
MAHAD SATYAGRAHA* NOT FOR WATER BUT TO ESTABLISH HUMAN RIGHTS

‘The Sun of self-respect had now arisen in the sky and the clouds of oppression had begun to flit away. The Depressed Classes began to look up. And we now come to a momentous event in the life of Dr. B. R. Ambedkar. That event was a march on Mahad. This had its origin in the important resolution of the Bombay Legislative Council moved by S. K. Bole and adopted by the Bombay Government. In pursuance of the Bole resolution passed in 1923 and reaffirmed with a slight change in 1926, the Mahad Municipality had thrown open the Chawdar Tank to the Untouchables. However, the resolution of the Municipality remained a mere gesture in that the Untouchables had not exercised their right owing to the hostility of the caste Hindus.

It was, therefore, decided by the Kolaba District Depressed Classes to hold a Conference at Mahad on March 19 and 20, 1927. The leaders of the Conference had notified Dr. Ambedkar the date of the Conference in the first week of the previous month. Arrangements for the Conference were made with care by Surendranath Tipnis, Subhedar Savadkar and Anantrao Chitre. For the past two months workers and leaders had trodden hills and dales in the vicinity and had roused the Depressed Classes to the importance of the Conference. As a result, boys of fifteen to old men of seventy from far and near plodded distances of over hundred miles with bundles containing pieces of bread hanging from their shoulders and reached Mahad. About ten thousand delegates, workers and leaders of the Depressed Classes from almost all the districts of Maharashtra and Gujarat attended the Conference.

Every care had been taken, every convenience was provided, and every means was adopted to make the Conference a success. Water worth rupees forty was purchased from the Caste Hindus to satisfy the needs of the Conference, for water was not available to the Untouchables at the place of the Conference.

Dr. Ambedkar rose to deliver his presidential address to the half-clad, embarrassed, earnest men and women and began it in his simple, short and forceful sentences. With a strange

*Resisting injustice with soul force.

agitation in his voice he described the conditions of Dapoli where he had received the first rudiments of education and said that one was attracted to the place where one passed one's childhood and the beautiful scenery surrounding it deepened one's love for such a place. He recalled the days of his childhood and said : "There was a time when we, who are condemned as Untouchables, were much advanced, much ahead in education compared with communities other than the advanced classes. This part of the country was then pulsating with the action and authority of our people."

With great earnestness he then delivered a message to his people which echoed throughout the hills, dales and villages of Maharashtra. Declaring that the demilitarisation was one of the causes of their downfall, he said : " The military offered us unique opportunities of raising our standard of life and proving our merit and intellect, courage and brilliance as army officers. In those days Untouchables could also be headmasters of military schools and compulsory primary education in the military camps was very effective and wholesome." "It is nothing less than a betrayal and a treachery," he went on, "on the part of the British to have closed the doors of the army to the Untouchables who had helped them establish the Indian Empire while their home Government was at grips with the French during the Napoleonic War."

Then in an inspiring tone he said : "No lasting progress can be achieved unless we put ourselves through a three-fold process of purification. We must improve the general tone of our demeanour, re-tone our pronunciations and revitalise our thoughts. I, therefore, ask you now to take a vow from this moment to renounce eating carrion. It is high time that we rooted out from our mind the ideas of highness and lowness among ourselves. Make an unflinching resolve not to eat the thrown-out crumbs. We will attain self-elevation only if we learn self-help, regain our self-respect, and gain self-knowledge." He further urged his people to agitate against the Government ban on their entry into the Army, Navy and Police, and impressed upon them the importance of entering Government services and of education. Turning to the question of Mahars, he tweaked their self-respect by telling them

The Historical Chawdar Tank at Mahad



This Conference is held to unfurl the banner of *Equality* and thus may be likened to the National Assembly in France convened in 1789.

— Dr. B.R. Ambedkar

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that it was utterly disgraceful to sell their human rights for a few crumbs of bread, and appealed to them fervently to do away with the humiliating, enslaving traditions, to abandon their Vatan and seek forest lands for agricultural pursuits. In conclusion, in a moving tone he said: "There will be no difference between parents and animals if they will not desire to see their children in a better position than their own."

The Conference passed resolutions on important subjects. By one resolution the Conference appealed to the Caste Hindus to help the Untouchables secure their civic rights, to employ them in services, offer food to Untouchable students, and bury their dead animals themselves. Lastly, it appealed to Government to prohibit the Untouchables by special laws from eating carrion, enforce prohibition, provide them with free and compulsory primary education, give aid to the Depressed Classes hostels and make the 'Bole Resolution' a living reality by enjoining upon the local bodies, if necessary, to proclaim section 144 of Indian Criminal Procedure Code at their places, for its enforcement.

On the first day, a few caste Hindu spokesmen, local as well as outsiders, made speeches justifying the rights of the Depressed Classes and promised them help. The Subjects Committee, which met that night, decided, after taking the sense of the leaders of the upper classes who attended the Conference, that the Conference should go in a body to the Chawdar Tank and help the Depressed Classes to establish their right to take water. Next morning the Conference called upon two caste Hindu spokesmen to support the resolution regarding the duties and responsibilities of the Caste Hindus. Excluding the clause regarding inter-caste marriage, they both supported the resolution.

In pursuance of the resolution of the Mahad Municipality which in 1924 had declared to have thrown open its Tank to the Depressed Classes, it was now decided to take water from the Tank and establish the right of the Untouchables. The delegates accordingly began to march peacefully in a body to the Chawdar Tank to assert their right of taking water from the Tank. And now the momentous event, great in its magnitude and far-reaching in its consequences, was taking place. Anti-slavery, anti-caste,

anti-priest. Dr. Ambedkar, who represented the awakened spirit of the Untouchable Hindus, was marching towards the Tank from which the Muslims and Christians took water along with the so-called touchable Hindus, but from which the Untouchable Hindus who worshipped the Hindu Gods, stuck to the same Hindu religion through ages past, were, although their throats parched with thirst, not allowed to take even a drop of water.

Thus, led for the first time in their history by a great leader of their own, the Untouchables were marching to vindicate their rights. They all displayed discipline, energy and enthusiasm. The march wended its way through the streets of Mahad and terminated at the Chawdar Tank. Dr. Ambedkar himself was now standing on the verge of the Tank. Enlightened among the enlightened, the equal of any erudite man on earth, a Hindu of noble aspirations, yet unable even to take water from a public watercourse or to read in a public library in Hindustan, the land of his birth and faith, was now defying the arrogance of the tyrants, exposing the baseness of a people who boasted that their religion treated even animals with forbearance, but who treated their co-religionists worse than cats and dogs.

Dr. Ambedkar took water from the Tank and drank it. The vast multitude of men followed suit and vindicated their right. The processionists then returned peacefully to the pandal.

Two hours after this event, some evil-minded caste Hindus raised a false rumour that the Untouchables were also planning to enter the temple of Veereshwar. At this a large crowd of riffraff armed with bamboo sticks collected at street corners. All orthodox Mahad was up in arms and the whole town at once became a surging mass of rowdies. They said that their religion was in danger, and strangely enough they clamoured that their God, too, was in danger of being polluted ! Their hearts fluttered, their hands shivered, and their faces were ablaze with anger at this humiliating challenge.

Enraged at this misconstrued outrage on their religion and at the thought of defilement of the temple of Veereshwar, the caste Hindus dashed into the pandal of the Depressed Classes Conference. Many of the delegates were at that time scattered in

small groups in the city. Some were busy packing and a few were taking their meals before dispersing for their villages. The majority of the delegates had by now left the town. The rowdies pounced upon the delegates in the pandal, knocked down their food in the dust, pounded the utensils and belaboured some before they knew what had happened. There was utter confusion in the pandal. Up-till now the orthodox had lost their conscience. They now showed signs of losing their senses !

Untouchable children, women and delegates, who were strolling in the streets of Mahad, were frightened at the sudden sweep of this event. Stray individuals amongst them were beaten. They had to run into Muslim houses for shelter. The local Mamlatdar and the Police Inspector, who failed to check the rowdies, saw Dr. Ambedkar in this matter at four O'clock in the evening at the Travellers Bungalow where Dr. Ambedkar and his party were staying during the days of the Conference. "You control others, I will control my people," said Dr. Ambedkar to the officers, and he hurried to the scene with two or three of his lieutenants. In the street a batch of rowdies mobbed him, but he calmly tried to soothe them by telling that there was no desire nor any plan on their part to enter the temple. He went ahead, saw things for himself and returned to the Bungalow. Up to this moment about twenty persons from the Untouchables were seriously wounded. A doctor was sent for. He came. He jeered at them for their "ill-timed" adventure and dressed their wounds !

The rowdies then began patrolling the main streets and assaulting members of the Depressed Classes who were in stray batches on the way to their villages. But the most reprehensible part of their conduct was that they sent messages to their henchmen to punish the delegates of the Conference in their respective villages. In obedience to this mandate assaults were committed on a number of Mahar men and women either before or after they had reached their villages.

Meanwhile, this news of the brutal attack on the delegates spread like wild fire. When Dr. Ambedkar returned to the bungalow, he saw about a hundred men impatiently awaiting his

orders, their eyes literally blazing with fire and their hands itching for retaliation and revenge. Their leader, however, appealed for peace and discipline. There was hushed silence for a while. A word of provocation from Dr. Ambedkar would have turned Mahad into a pool of blood and destruction. The number of delegates still lingering in the town, in the pandal and in the Bungalow together could have easily outnumbered the hooligans and battered down their skulls. Hundreds among the Untouchables were men who had seen, fought, and moved actively in the theatres and battles of the First World War.

But discipline was wonderfully maintained at the behest of their leader. They set their faces against the aggressors. Their struggle was non-violent and constitutional. They did not dream of breaking the law. Thus a more serious riot was averted. At nightfall all the delegates left for their respective villages. Dr. Ambedkar with his lieutenant, Anantrao Chitre, left the bungalow as it was booked by a Government Officer from that evening, and took up his residence in the police station rooms. He completed his inquiry into the riot and returned to Bombay on 23rd March.

Policemen appeared on the scene after the storm was over. They arrested some of the orthodox rowdies as trespassers. Out of the nine orthodox Hindu heroes, five who were found to be most valorous, were, afterwards on June 6, 1927, sentenced by the District Magistrate to four months' rigorous imprisonment. Dr. Ambedkar was not far from truth when he remarked that had not the chief officers in the District been non-Hindus, justice would not have been administered impartially to the Untouchables. Under Peshwa rule, he said, he would have been trampled to death by an elephant. And it was the Peshwa rule under which Untouchables were not allowed to enter the city of Poona during certain hours by day-time, and when they were admitted at other times they had to walk in the city with earthen pots hanging from their necks to spit into."¹

¹: Keer, Pp. 69-71, 73-77.

Mahad Conference-Report By ‘The Bombay Chronicle’

A Conference of the Depressed Classes of the Kolaba District was held at Mahad on the 19th and 20th instants [*i.e.* of March 1927] under the Presidentship of Dr. B. R. Ambedkar, Bar-at-Law. The attendance of the Depressed Classes was over 2,500 and great enthusiasm prevailed. But the work of the Conference was severely marred by a riot, the responsibility for which rests entirely upon the upper class Hindu residents of the town of Mahad. On the first day of the Conference after the President had delivered his address, several Upper Class Hindus addressed the Conference assuring the Depressed Classes that, they were willing to help them in all ways and urging that the Depressed Classes should not cultivate hatred of the Upper Class Hindus. In pursuance of this the Subjects Committee drafted a resolution among others laying down what the Upper Class Hindus should do for the uplift of the Depressed Classes. In the Subjects Committee attention was drawn by some people to the fact that there was a great difficulty at Mahad for the Depressed Classes in obtaining water for drinking purposes and that this difficulty was felt not only by the resident Depressed Classes of Mahad but also by the Depressed Classes from villages who resorted to Mahad for private business or for the purposes of Government work. So great was the scarcity that water worth Rs. 15 had to be bought each day to satisfy the needs of the Conference. The Municipality of Mahad had sometime ago passed a resolution declaring the tanks in the city to be open to the public but as it had not placed a board there, people feared to resort to them. The Subjects Committee, therefore, decided after taking the sense of the upper classes who attended the Conference in this matter, that the Conference should go in body to the Chawdar Tank and help the Depressed Classes in establishing their right to take water.

A False Rumour

When, therefore, the Conference met on the morning of the 20th, and the first resolution which declared what the Upper Classes should do for the Depressed Classes was put before the Conference by members of Depressed Classes the President requested Messrs Purushottam Prabhakar Joshi and Govind

Narayan Dhariya [as representatives of the upper classes] to speak on the resolution. With the exception of one clause in the resolution dealing with inter-marriages they both accepted the resolution. Having thus assured itself that there was general support behind it the Conference when the Session was over, went in body to the said tank. The procession was a most peaceful one and everything passed off quietly. But after about two hours some evil minded leaders of the town raised a false rumour that the Depressed Classes were planning to enter the temple of Vireshwar, whereupon a large crowd of riff raffs, all armed with bamboo sticks were collected. The crowd soon became aggressive and the whole town at once became a surging mass of rowdies who seemed to be out for the blood of the Depressed Classes.

Twenty Wounded

The Depressed Classes were busy in taking their meal before dispersing to their villages. When a large part of them had left the town the rowdies entered the kitchen where the Depressed Classes were taking their food. There would have been a regular battle between the two forces; but the Depressed Classes were held back by their leaders and thus a far more serious riot was averted. The rowdies finding no occasion for provocation began patrolling the main street and assaulting the members of the Depressed Classes who in stray batches were passing along on their way to their villages and committed trespass in the houses of several Depressed Class people and gravely assaulted them. In all, the number of wounded, among the Depressed Classes is supposed to be as large as 20. In this the attitude of the Depressed Classes was commendable whereas the attitude of many of the Upper Classes was unworthy. The Depressed Classes assembled vastly out-numbered the Upper Classes. But as the object of their leaders was to do everything in a non-violent and absolutely constitutional manner they set their faces against any aggression on the part of the Depressed Classes. It speaks a great deal in favour of the Depressed Classes that although the provocation given to them was immense they kept their self-control. The Mahad Conference has shown that the Upper Classes are not willing to allow the Depressed Classes to enjoy such elementary civic rights as taking water from public water-courses.

The most reprehensible part of the conduct of the Upper Caste Hindus in Mahad and Kolaba District was that messages were sent immediately to the different villages asking the upper class people there to punish the delegates of the Conference as soon as they returned to their respective villages. In obedience to this mandate assaults were committed on a number of Mahars returning from the Conference either before or after they reached their villages where the Depressed Classes have the disadvantage of being overwhelmingly out-numbered by the Upper Caste Hindus. The leaders of the Depressed Classes have appealed to the authorities for protection and the District Officials including the D. S. P. are making enquiries on the spot. It must, however, be stated that if the Resident Magistrate had not allowed two precious hours to pass without doing anything the riot would have probably been averted."

"Thus ended the first big, open Conference of the Depressed Classes in Maharashtra and their first public attempt to assert their civic rights. This Conference was a great and momentous event, the opening of an epoch in the history of Hindustan. It was an event which changed both Dr. Ambedkar's personal life and the current of social and national reorganization.

Under the leadership of their saviour, the down-trodden, the dehumanised and dumb millions opened a new chapter in the annals of India. They not only voiced their age-long grievances but also took on themselves energetically to mitigate them. They now summoned up courage and showed the right spirit in standing boldly and shaking off the dust from their feet and faces.

The struggle inaugurated by their educated leaders gripped their minds and enkindled the flame of self-respect and self-elevation. They now smarted under the insults and humiliations inflicted upon them at Mahad. They applied their minds to self-improvement and self-culture as never before. As a result of this Conference, the Untouchables gave up eating carrion, skinning carcasses, and stopped begging for crumbs.

And what happened to the Chawdar Tank that was declared to have been desecrated by the touch of untouchable Hindus ? The orthodox and reactionary Hindus called a meeting at the temple of

Veereshwar to consider the question of the purification of the tank. They had a remedy for purifying any damned and polluted earthly thing. To them a mixture of cow-dung, cow-urine, curd and water was the potent remedy for all manner of pollution. Accordingly water in one hundred and eight earthen pots was taken out from the tank. These pots full of curd, cow-dung, milk and cow-urine were dipped in the tank in the midst of air-rending *Mantras* uttered by Brahmin priests, the elect. It was then declared that water was purified for the use of the caste Hindus. Of course, Mohammadans and Christians had nothing to do with the act or process of purification. For, in their eyes human touch did not pollute water. They used the water of the tank as before without any interruption.*

The news of the so-called purification of the Chawdar Tank lacerated the hearts of the Depressed Classes, and so deep was the wound on Dr. Ambedkar's heart that he grew indignant and decided to launch a *satyagraha* struggle for the vindication of his people's rights. Some feared that this 'impatient' remedy was worse than the disease. Dr. Ambedkar, in a mood of righteous indignation, replied that mere spread of education and exposition of the scriptures would not be able to root out that age-long disease. The disease, he said, was deep-rooted and merely dressing it with bandages of knowledge or ingenuous schemes would not cure it. Deadly diseases required drastic remedies.

Accordingly, it was announced on June 26, 1927, in the *Bahishkrit Bharat* that those members of the Depressed Classes who wanted to wash out the stigma of pollution attached to their whole class by the Mahad Hindus by their act of purification of the Tank, and who wanted to denounce the act of assaults committed on their representatives for having taken water from the Chawdar Tank, should enlist themselves at the office of the

*See Appendices-I, II and III.

Bahishkrit Hitakarini Sabha in Bombay. It was declared that the *satyagraha* struggle was to be launched under the auspices of the said institution.”¹

Police Report of Agitational Programme of Dr. Ambedkar :

I

“The Depressed Classes at Mahad : Protest of Bombay Untouchables against the atrocities inflicted on.....

Bombay City S. B., July 4, 1927.—Under the auspices of the *Bahishkrit Hitakarani Sabha*, a public meeting of the Depressed Classes was held at the Cowasji Jehangir Hall on the evening of July 3 to protest against the hardships inflicted on the Untouchables of Mahad in Kolaba District. Dr. Bhimrao Ramji Ambedkar, Bar-at-Law, presided over an audience of about 1,000 people.

Speeches were made by the president, Ragoba Narayan Vanmali, Mahadeo Abaji Kamli, Sitaram Namdeo Shivtarkar, Nirmal Limbaji Gangavane, Gitanand Brahmachari and Samant Nanji Marwari, condemning the treatment meted out to their brethren in Mahad by the Higher Classes. They decided, in order to carry on a peaceful agitation against this treatment, to enlist volunteers and collect funds. They would first have a conference at Mahad after the *Diwali* holidays and then it would be decided to start *Satyagraha* in order to enforce their rights as citizens. A resolution to this effect was passed.

Another resolution was passed requesting the Government to establish a separate department to deal with the grievances of the Depressed Classes as was done in Madras.

An appeal for funds was made by the speakers and about Rs. 350 were collected. A dozen people consented to become volunteers for the *Satyagraha* movement when it is started.”²

¹ : Keer. Pp. 77, 79, 89-90.

² : Bombay Secret Abstract, dated 16th July 1927.

II

“Satyagraha of Untouchables at Mahad

“At a conference of Mahars, Mangs, Bhangis, etc., held at Mahad in Kolaba District in March last, the delegates were prohibited by orthodox people from using the water of the village tank and the prohibition is reported to have resulted in a criminal case against those who took the law into their own hands. Since this incident there has been some excitement among the Untouchables of Bombay in which Dr. Bhimrao Ramji Ambedkar, Bar-at-Law, has been taking the lead.

In connection with this, a meeting of about a thousand Untouchables was held at Sir Cowasji Jehangir Hall under the presidency of Dr. B. R. Ambedkar on the afternoon of October 30. The president explained the facts which led to the incident at Mahad and which compelled the Untouchables to stand up for the protection of their rights. A resolution was passed by which it was decided to hold a conference at Mahad on December 25 in order to establish their right of using water at the public tank and in the event of any prohibition to launch a *Satyagraha* movement. About Rs. 570 were collected at the meeting. There was also a suggestion from the audience to launch a similar campaign in connection with a temple at Amravati in the middle of November.” ¹

¹ : Source Material Vol. I, P. 13.

III

No. H/3447

dated 22nd December 1927.

“To,
The D. S. P.,
Kolaba, Alibag.

Sir,

Reference.—Para 868 of the B. S. A. current.

In this connection a meeting of the Depressed Classes was held on the night of 21st instant when Dr. B. R. Ambedkar, Bar-at-Law presided over an audience of about 250 people. The President, Sambhaji Santoji Waghmare, Nimandarkar, Kholwadekar and Junnarkar made speeches advising the people to join the *Satyagraha* Movement which is coming off on the 25th instant at Mahad in connection with the prohibition against the Untouchables' use of the water tank.

I have & c.

(Sd.)

D. C. P., S. B.

22nd December 1927.”¹

“Meantime, the Mahad Municipality revoked on August 4, 1927, its resolution of 1924 under which it had declared the Chawdar Tank open to the Depressed Classes. Dr. Ambedkar accepted the challenge and on September 11, at a public meeting in Damodar Hall, Bombay, a committee was formed to devise ways and means to make the struggle for re-establishing the right of the Depressed Classes to the Mahad Tank a success, and to fix the dates and details. Four days afterwards the committee met at Dr. Ambedkar's office and announced December 25 and 26, 1927, as the dates for offering the *satyagraha*.

The day of the proposed Conference and the *satyagraha* at Mahad was drawing near. Mahad began to stir again. The opponents of the struggle held a meeting on November 27, 1927, at the Veereshwar Temple to formulate a plan to flout the attempts of Dr. Ambedkar and the Depressed Classes to take water from

¹: Source Material, Vol. I, Pp. 13-14.

the Chawdar Tank. But owing to the presence of the sympathisers of the Depressed Classes the meeting ended in pandemonium. Some Poona Hindu leaders tried to dissuade the caste Hindus from opposing the struggle, but to no purpose.

The District Magistrate visited Mahad on December 7, and the leaders of both the sides discussed the question with him. He asked the caste Hindus to have recourse to law and refused to issue an order prohibiting the Untouchables from taking water from the Chawdar Tank. The leaders of the orthodox section, therefore, filed a suit against Dr. Ambedkar, Shिवतarkar and Krishnaji S. Kadam and Ganya Malu Chambhar of Mahad— leaders of the Depressed Classes—on December 12, 1927, in the Civil Court at Mahad and asked for the issue of a temporary injunction. The Court issued a temporary injunction on December 14, against the defendants pending the decision of the suit. Accordingly notices were served on Dr. Ambedkar, Shिवतarkar and Krishnaji S. Kadam, prohibiting them and all the Depressed Classes or on their behalf these three leaders from going to the Chawdar Tank or from taking water from the Tank until further orders. The orthodox and reactionary forces shrewdly enough forced on Dr. Ambedkar a fight on two fronts. On the one side was standing an indifferent foreign Government and on the other was the caste Hindu section headed by the Orthodox Brahmins.”¹

Text of Temporary Injunction in Chawdar Tank Case

ORDER

“This is an application asking the Court to grant to the applicants a temporary injunction restraining the opponents from going to the Chawdar Tank or taking water therefrom. The applicants have, on 12th 1927, filed in this Court, Regular Suit No. 405 of 1927, for obtaining a Declaration that the said Chawdar Tank is of the nature of private property of the touchable classes only and that the Untouchable Classes have no right to go to that tank nor take water therefrom and also for obtaining a perpetual injunction restraining the Defendants from doing any of these acts.

¹:Keer, Pp. 90 and 97-98.

The applicants, by this application pray that pending the disposal the suit, a temporary injunction may be issued against the Defendants. The application states, among other things, that hundreds of years since the tank has been in the exclusive enjoyment of the touchable classes only, that on 19th March 1927. a number of persons of the Untouchable classes led by Defendant, all of a sudden entered the tank, washed their hands and faces with the water and thus contaminated it, that in consequence of this contamination the touchable classes could not take water from the tank for over 24/25 hours *i.e.* until the water was purified, at a great cost, by performing ceremonies laid down by the Hindu *Shastras*, that great hardship was thus caused to the touchable classes, that the Untouchable classes have issued a manifesto proclaiming their intention of again entering the Tank and taking water therefrom, that if they are allowed to do that, the touchable classes will be debarred by the *Shastras*, from using the water of the Tank, that serious hardship would thus result to them and that if a temporary injunction as asked for is not granted and the Defendants allowed to contaminate the water of plaintiffs even if they finally succeed in the suit would not reap the benefit of the decree.

The application is supported by the affidavits of several persons besides Plaintiff No. 1. Plaintiffs have also produced with exhibit 4, a notice issued by the Municipality against one Divakar Joshi (one of the persons making an affidavit) calling upon him to repair his stone Dhakkas (dams) which adjoined the side of the Chawdar Tank, and also a deed of partition of Dharap family alleged to be more than a hundred years old. This deed contains a reference to the Pal of the tank as being one of the properties partitioned. Both these documents raise a 'Prima facie' presumption of the tank being private property.

The question now is, whether it would be more just to grant a temporary injunction to refuse it. The law regarding temporary injunctions is contained in order 39 of the Civil Procedure Code. Rule of this order is as follows :—Where in any suit it is proved by affidavit or otherwise (a) that any property in dispute in suit, is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully said in execution of a decree or (b) that the

Defendant threatens, or intends, to remove or dispose of his property with a view to defraud his creditors, the Court may by order grant a temporary injunction. Clause (b) has obviously, no application to the present case. The present case appears to come within clause (a).

Here is a Tank which has, for years since, been in the exclusive enjoyment of the touchable classes. The manifesto issued over the signatures of the Defendant¹ and other also shows that the Untouchable classes were upto now under the impression that they had no right of access to the tank. It thus appears that the tank has been until now in the exclusive enjoyment of the touchable classes. The question now is, whether the ends of justice would be better met by disturbing this old state of things or by allowing it to continue until the rights of the parties have been finally decided.

The principles governing temporary injunctions have been summarised under part 2 of Mulla's Commentary on the Civil Procedure Code, 8th edition page 892. One of these is that the Court must see that there is a bonafide contention between the parties. About this there appears to me to be very little doubt. The second principle is, "on which side, in the event of success, will lie the balance of inconvenience if the injunction does not issue." To me it appears that the balance of inconvenience will lie, and lie very heavily, on the side of the Plaintiffs if an injunction is not issued. The point is so clear that I do not think I need labour it at all.

If the Defendants are allowed to enter the tank and thus (according to the religious notions of the Plaintiffs) contaminate the water and render it unfit for further use, a large section of the population will be put to hardship and inconvenience which will be so severe that only those living in places where there are no copious supply of water, can realise it. On the other hand, the Defendants will not be put to any inconvenience what so ever, if they are asked to forbear from exercising what they consider to be their right, until the first decision to the suit. This course appears to me not only just and equitable, but the only right course under the circumstances in order to maintain the *status quo*, which, it is imperative to do. Vide the remark appearing at I. L. R. 46, Calcutta, page 1030, it is also contended

by the applicants (Plaintiffs) that if a temporary injunction as asked for is not granted and the water of the tank is allowed to be contaminated, irreparable injury would result to the Plaintiffs. Taking into consideration, how sensitive the touchables classes generally are on this point, both on account of their religious susceptibilities, as well as the wide gulf which has existed between the two communities from time immemorial, I am inclined to attach very great weight to this condition. I have no doubt that the spread of education will, in course of time, materially alter these conditions and bring the two communities in a clear and friendly contact with each other and that Untouchability will be a thing of the past. But as things at present stand, I am bound to attach great weight to the sentiment of the applicants who feel that, the injury that will sustain if the water is allowed to be contaminated, will be that it would not admit of being adequately compensated by damages.

Taking all these circumstances into consideration, I think I would be failing in duty if I were not to refuse the injunction prayed for. It is a very painful duty that I am called upon to perform, but the call of duty leaves no room for choice. I therefore order that a temporary injunction as asked for, with notice be issued.

14-12-27. (Sd.)—G. V. Vaidya ” ¹

On the side of Depressed Classes “Elaborate preparations for holding the Conference were made. As no Hindu landlord allowed the use of his land for the pandal, a site for the Conference was secured with great difficulty from a Muslim. As the local merchants refused to have any dealings with the men connected with the Conference, the Reception Committee had to purchase corn and other materials from out-side, sufficient to last for ten days. Anantrao Chitre managed the work very efficiently. Subhedar Ghatge was entrusted with the food arrangement and maintenance of order and discipline. All the Chief Government Executives of the District gathered at Mahad on December 19. Police were posted on all sides of the Chawdar Tank. Delegates and spectators began to pour in

¹ : Khairmode, Vol. 3, Pp. 234—237.

Mahad from December 21. The District Magistrate visited their camp every day to dissuade the delegates from the proposed *Satyagraha*.

With a batch of two hundred delegates and leaders, Dr. Ambedkar left Bombay on the morning of December 24. The next day they got down at noon at Dasgaon, five miles off Mahad. There, with anxious faces, an army of 3,000 *satyagrahis* awaited their leader. When they saw their leader, they greeted him with tumultuous applause.

After the reception, the Police Superintendent handed over a letter from the District Magistrate to Dr. Ambedkar, requesting him to see the District Magistrate at his Mahad office without loss of time. Dr. Ambedkar, with one of his lieutenants, Sahasrabudhe, hurried to his office. The District Magistrate in a swift and soft tone advised, argued and pressed for the postponement of the struggle ; but the leader did not see eye to eye with the Chief Executive of the District. It was however, agreed that he should be given an opportunity to address the Conference. In the meanwhile, the procession of the delegates had left Dasgaon and accompanied by police officers, it reached Mahad at half past two in the afternoon, singing songs which were punctuated by sky-rending slogans. The vast crowd entered the pandal amidst shouts of 'Shivaji Maharaj ki Jai'. In the pandal proverbs hanging from pillars displayed inspiring immortal truths. In front of the gate there was a pit.

After his interview with the District Magistrate, Dr. Ambedkar hastened to the pandal and had his lunch in the company of his common followers. He refused to have any special food.

The Conference commenced its proceedings at four-thirty in the evening. Messages from several prominent persons wishing the *satyagraha* success were read out. Then the leader rose to address the Conference amidst deafening cheers, shouts and slogans raised by a mammoth gathering of fifteen thousand people. A majority of them had no clothes to their backs. Their old turbans were torn, their chins were unshaven; but their sunburnt faces shone with a peculiar enthusiasm and hope. The vast audience calmed down, and Dr. Ambedkar began his speech in a low, dignified but forceful voice.”¹

¹ : Keer, Pp. 98-99.

“Dr. Ambedkar’s Plea for Abolition of Social Disabilities

Following is a summary of the Presidential address of Dr. B. R. Ambedkar, M.A., Ph.D., D.Sc., Bar-at-Law, M.L.C.. delivered at the *Satyagraha* Conference at Mahad (District Kolaba) held on the 25th December 1927.

Welcoming the *Satyagrahis* on behalf of the *Satyagraha* Committee, of which he is the president, Dr. Ambedkar reminded them of the unfortunate ending of the Conference held at the same place in March last when a number of their fellow delegates had been ill-treated and assaulted by the so-called Caste-Hindus for committing the offence of drawing the water from a Public Tank named “*Chawdar*”. Nobody prevented the members of the Depressed Classes from using the water of the tank, but some ringleaders took it into their heads to punish the delegates of the Conference after the event and incited the mob to commit assaults on them. Some of the offenders were prosecuted, convicted and sentenced to four months’ imprisonment.

Continuing Dr. Ambedkar said: “Had the caste-Hindus admitted the right of the Depressed Classes to use the tank, this *Satyagraha* would not have been necessary. Unfortunately, however, the Caste-Hindus at this place are obstinate in their attitude and refuse to admit the right of the Depressed Classes to use the Public Tank which is open to persons of all castes including Mahomedans and other non-Hindus. The irony of the situation is that although the cattle owned by the so-called Untouchables are allowed to go, their owners, who are as good human beings as the other people, are prohibited from going to the tank.

The Hindus are known for their humanitarian sentiments and their regard for animal life is proverbial. Some section do not kill even poisonous reptiles. The Hindus maintain a large army of *Sadhus* and able-bodied beggars, and believe that they acquire merit by feeding and clothing them and giving them cash for indulging in luxuries. The Hindu philosophy teaches the doctrine of an all-pervading soul, and the *Geeta* exhorts them to make no distinction between a Brahmin and a Chandal.

The question therefore arises why the Hindus having such traditions of charity and humanity and possessing such grand philosophy should behave so heartlessly towards their fellow human beings and in such unreasonable ways. In the reply to this question lies the real significance of this Conference. The Hindu Community is set in the steel-frame of the caste system, in which one caste is lower than another in social gradation involving particular privileges, rights, inhibitions and disabilities with regard to each caste. This system has created vested interests which depend upon maintaining the inequalities resulting from the system.

The so-called Caste-Hindus are bitterly opposed to the *Panchamas* (person belonging to the fifth class, the Depressed Class) using a public tank not because they really believe that the water will be thereby spoiled or will evaporate if Mahars and others use the tank, but because they are afraid of losing their superiority of caste and of equality being established between the former and the latter. We are resorting to this *Satyagraha* not because we believe that the water of this particular tank has any exceptional qualities, but to establish our natural rights as citizens and human beings.

Struggle for Equality

This Conference is held to unfurl the banner of *Equality* and thus may be likened to the National Assembly in France convened in 1789. Our Conference aims at the same achievement in social, religious, civic and economic matters. We are avowedly out to smash the steel-frame of the caste-system.

Low Aim Is A Crime

Some men may say that this should be satisfied with the abolition of Untouchability only, leaving the caste-system alone. The aim of abolishing Untouchability alone without trying to abolish the inequalities inherent in the caste-system is a very low aim. Let us remember “not failure but low aim is a crime”. Let us probe the evil to its very roots and be not satisfied with mere palliatives to assuage our pain. If the disease is not rightly diagnosed the remedy will be useless and the cure may be postponed.

Not only Untouchability and restrictions regarding intercaste-dining must be removed, but inter-marriages among the Hindus of various castes must be made common. This alone will lead to the establishment of true-equality. Even supposing that the stigma of Untouchability is wiped out, what will be the status of the present Untouchables. At the most they will be treated as '*Shudras*'. And what are the rights of the '*Shudras*'? The '*Smrities*' treat them as mere zealots and the '*Smrities*' are the guides of the caste Hindus in the matter of gradations in the caste system. Are you willing to be treated as '*Shudras*'?. Are you willing to accept the position of zealots? Are you prepared to leave your fate in the hands of the upper class?

Self-Help

That the caste-system must be abolished if the Hindu Society is to be reconstructed on the basis of equality, goes without saying. Untouchability has its roots in the caste-system. They cannot expect the *Brahmins* to rise in revolt against the caste-system, because that system confers on them certain special privileges and they will not willingly give up their privileged position and the present supremacy in the hierarchy of Hinduism as based on *Smrities*. It would be too much to expect them to resign all their privileges as the '*Samurais*' of Japan did. Also we cannot rely upon the Non-Brahmins and ask them to fight our battle. Many of them are still enamoured of the caste-system and are tools in the hands of the Brahmins, and most of these others who resent the supremacy of the Brahmins are more interested in levelling down the Brahmins than in levelling up the suppressed classes. They too want a class of people on whom they can look down and have the satisfaction of not being quite the under-dogs of the Society. This means that we ourselves must fight our battles, relying on ourselves. We are the most downtrodden classes in the country. Services in the army, police and public offices are practically closed to us. We are debarred from following a number of trades and professions and we have been reduced to utter economic helplessness. All this is due to the Untouchability and the lowest social position to which we have been relegated. Should we fail to assert our rights as human beings and citizens we shall have to remain fallen forever.

A Real Service to the Nation

Ours is a movement which aims at not only removing our own disabilities, but also at bringing about a social revolution, a revolution that will remove all man-made barriers of caste by providing equal opportunities to all to rise to the highest position and making no distinction between man and man so far as civic rights are concerned. If we achieve success in our movement to unite all the Hindus in a single caste we shall have rendered the greatest service to the Indian nation in general and to the Hindu community in particular. The present caste-system with its invidious distinction and unjust dispensations is one of the greatest sources of our communal and National weakness. Our movement stands for strength and solidarity; for equality, liberty and fraternity. We wish to carry on our movement as peaceful as we can. However, our determination to remain non-violent will to a large extent depend upon the attitude of our opponents. We are not the aggressors and our oppressors for generations should accuse us of aggression a strange thing. We refuse to be controlled and bound by the ‘*Shastras*’ and ‘*Smrities*’ composed in the dark ages and base our claims on justice and humanity.”¹

Thereafter “Mr. G. N. Sahastrabuddhe, a Brahmin, read extracts from *Manusmriti* those portions which related to the treatement to be meted out to the *Sudras*.

Burn Manusmriti

The first resolution passed ran as follows :—

Taking into consideration, the remarks in the *Manusmriti* and such other books which are most vulgar and which most flagrantly violate the human rights, this meeting condemns them emphatically and as an expression of that condemnation resolves to burn them and makes the following declaration of rights to form the basis of reconstruction of Hindu Society.

The declaration stated that all Hindus should be considered as one of *varna* and should be recognised and called as such and law should be enacted prohibiting the use of class words as Brahmin, Kshatriya etc.

¹ : The Indian National Herald, dated 28th December 1927.

A place at Mahad where Manusmriti was burnt



The bonfire of *Manusmriti* was quite intentional. We made a bonfire of it because we view it as a symbol of injustice under which we have been crushed across centuries.

—Dr. B. R. Ambedkar

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Another resolution urged that a competitive examination be held for the admission of persons to the Hindu priesthood and that licenses be issued only to the successful candidates.

The speeches were mainly denunciations of Brahmins and Brahminism. Mr. Mandlik asked permission to address the meeting but the President refused permission.

Mr. D. V. Pradhan, a touchable also supported the burning of the *Smriti*.

The ceremony of burning the *Smriti* * then took place and the conference concluded for the day.”¹

“The bonfire of the *Manusmriti* by Dr. Ambedkar and his followers on 25th December 1927, anticipated this age. While speaking of bonfire of *Manusmriti*; Dr. Ambedkar in an interview with T. V. Parvate in 1938, said “The bonfire of *Manusmriti* was quite intentional. We made a bonfire of it because we view it as a symbol of injustice under which we have been crushed across centuries. Because of its teaching, we have been ground down under despicable poverty and so we made the clash, staked all, took our lives in our hands and performed the deed.”²

“The Collector, the Superintendent of Police and 100 armed police were present. In the night *harikirtan* composed by an “Untouchable” and hitting at Brahmins was enthusiastically sung.

Collector’s Letter

Second day’s proceedings of the Conference began on the morning of the 26th. Dr. Ambedkar read a letter from the Collector which said that it was the desire of Government that the “Untouchables” should obey the injunction of the Civil Court. Government were always sympathetic to the cause of the Untouchables and were willing to advance their cause in every lawful way and help them to establish their right of access to places of public utility. But, in view of the temporary injunction granted, Government were helpless and desired that the Untouchables should not embark on *Satyagraha* at this moment.

* Manusmriti.

¹: The Indian National Herald, dated 31st December 1927.

²: Parvate, Pp. 58-59.

The whole Conference converted itself into Subjects Committee when Dr. Ambedkar reviewed the whole situation and advised the delegates to embark on *Satyagraha* against the Civil Court's injunction provided the delegates were prepared for the consequences of their action and to undergo imprisonment and other sufferings in a cheerful and voluntary manner.

The sense of the Conference was strongly in favour of the advice to embark on *Satyagraha* immediately and the President had difficulty in getting a hearing for any speaker who was for postponement of *Satyagraha*.

More Than 3,000 Volunteers Sign Pledge

Dr. Ambedkar then suggested that to gauge correctly the intensity of feeling, those delegates who were in favour of *Satyagraha* should be asked to give their consent in writing for practising *Satyagraha*. Accordingly, the registration of delegates willing to practice *Satyagraha* was commenced and within one hour, 3,884 delegates had registered their names as ready to offer *Satyagraha*.

The Collector was informed that the Conference was in favour of *Satyagraha* on hearing which the Collector expressed a desire to address the Conference personally.

Collector Addresses Conference

The *Satyagraha* Conference assembled at 5-30 p.m. when Mr. Hood, the Collector, accompanied by the Superintendent of Police attended the Conference. The Collector addressed the meeting in Marathi. Mr. Hood said: "I know why you have all gathered in this Conference. I know also that if I advised you to defer *Satyagraha* you would all very much regret it as you have been preparing for this for the last three months. You all, however, know that the Bombay Legislative Council has passed a resolution to the effect that the "Depressed" Classes be admitted to the public tanks and schools and that the Bombay Government have instructed accordingly and have also advised the Local Board to do the same. The Government are quite willing, Mr. Hood said to admit them to the tank but 10 days ago there has taken place a new development. The touchables have filed a suit against the "Untouchables" contending that the tank was a private one and a temporary injunction has been granted in their favour.

“I am speaking to you as the Collector of the district and I wish to assure you on behalf of the Government that the Government are on the side of “Untouchables” and to tell you that the Government and I, are your friends. I regret very much to see that some of you intend to offer *Satyagraha* by disobeying the order of the court. This action, I consider, will be very harmful, I advise you to prepare your case and fight it constitutionally and legally. I sincerely hope that the decision may be in your favour.”

Mr. Jawalkar who had come in the morning said he had come to the Conference to deliver the message of the Non-Brahmin party namely that the “Untouchables” should obey the injunction of the court and offer *Satyagraha* after the decision of the court.

Subhedar Ghatge and other speakers said they had come there to offer *Satyagraha* against the touchables and not against the Government.”¹

“The Collector was then led by Dr. Ambedkar out of the pandal. Till seven in the evening, speaker after speaker supported the launching of *Satyagraha*, and those who uttered discordant notes were booed and heckled. Dr. Ambedkar again adjourned the discussion till the next morning.

At night the chief men gathered together, held discussions and decided to postpone the struggle in view of the case pending before the court, but it was also decided to march in procession winding its course around the tank. Accordingly, this decision was notified to the District Magistrate.

On the morning of December 27, Dr. Ambedkar rose to withdraw the first resolution on the struggle and to move another resolution amidst breathless silence, asking the Conference to postpone the struggle. He was on the horns of a dilemma. It was now the psychological moment to curb the enthusiasm of the delegates and pin it down. He tactfully began to deal with the critical situation. He said in an appealing tone to the delegates, who had by now grown restless and frantic: “You are a brave people. The people who are prepared to lay down their lives for the vindication of their just rights are sure to prosper. But the

¹: The Indian National Herald, dated 31st December 1927.

moment now has come when you should think twice before you strike the blow. You know well that the *Satyagraha* movement started by Gandhi,” he proceeded, “ was backed up by the people as it was against a foreign domination. Our struggle is against the mass of Caste Hindus and naturally we have little support from outside. Taking these facts into consideration. I feel, we should not antagonise the Government and put it on the side of our opposition. It is not beneficial either.”

“Do not suppose,” asserted the leader, “that if you postpone the issue humiliation will be its concomitant. As regards my position, I assure you I am prepared to face the three-fold danger-breaking of an order, being charged with a breach of rules governing the conduct of a lawyer and the possibility of imprisonment. My brothers,” he softly concluded, “you rest assured that a postponement of this struggle will not mean that we have given up the struggle. The fight will go on till we establish our claims to this Tank.” ¹

Satyagraha postponed

As a result of deliberations, the following resolution was adopted :—

‘Taking into consideration the fact that the touchable classes of Mahad by obtaining a temporary injunction from the Civil Court at the last hour against the “Depressed” Classes bring them into conflict with the Government which had yesterday morning resolved to offer *Satyagraha* have after listening to the Collector and after taking into consideration the assurance given by him in the open Conference that the Government have every sympathy for the Depressed Classes in the struggle for equal rights resolved that *Satyagraha* be postponed till the decision of the Civil Court.” ²

¹ : Keer, Pp. 102-103.

² : The Indian National Herald, dated 31st December 1927.

“The Conference agreed. The delegates immediately formed themselves into a procession and started volunteers with slogans, boards and placards were pacing slowly. The procession reached the Tank and took its round. And what were the Caste Hindus doing? The streets were deserted. They had shut their houses and the Orthodox Hindus were wriggling with excruciating venom in their hearts. After one hour and a half, the procession returned to the pandal about noon without any mishap.”¹

“DR. AMBEDKAR AT RAIGARH

“Untouchables” Bathe in Ganga Sagar Tank

A correspondent writing under date January 5 in “*Kolaba-Samachar* of Pen, says” After the conclusion of the *Satyagraha* Conference Dr. Ambedkar proceeded to Raigarh, the famous fortress and the capital of Shivaji, in company of about a hundred Untouchables. He encamped in the Raigarh *Dharmashala* and the watchmen of that place, one Yesu Shedge, a Mahratta by caste and maintained by the *Dharmashala* Committee, looked after the requirements of the visitors. He asked them not to touch the waters of the Gangasagar Tank. He suggested that if they wanted to take bath, they could do so in another tank nearby, specially built for the Untouchables. Dr. Ambedkar and others, however, “defiled” the waters of the “Gangasagar.”

The correspondent adds that this has led to great excitement among the Mahrattas of the Raigarh valley, most of whom are *sepoys* in the army, the valley being a good recruiting field.”²

Comments

“Commenting editorially on this episode, “*Kolaba-Samachar*” in its issue for January 7 refers to the methods followed by Dr. Ambedkar pointing to a suggestion made in its columns that Government should see its way to prosecute Dr. Ambedkar and his followers. The paper sets its face against the suggestions on the ground that Indians must do as much as possible to settle their own quarrels and should never invite Government of their own accord, to interfere.”³

¹: Keer P. 104.

² : The Bombay Chronicle dated 12th January 1928.

³: Kolaba-Samachar, dated 7th January 1928.

“Maharashtra’s Mind

For some weeks past Dr. Ambedkar and the *Satyagraha* Conference of Untouchables at Mahad have been the subject of much adverse comment not only in the Orthodox Hindu Press but also in journals that are definitely committed to the removal of Untouchability. Most of the Marathi journals came under the second variety and may generally speaking be divided into three classes, *viz*, N. C. O., Responsivist and Non-Brahman. The principal points that these journals make in their attacks against Dr. Ambedkar and his friends are (1) his alleged excess of burning the *Manusmriti*, and (2) his alleged acquiescence in the Kolaba Collector’s order to stop *Satyagraha*. In the whole controversy there are many other charges and countercharges made against either party, but they are not very material. Dr. Ambedkar has now published in “*Bahishkrit-Bharat*” quite a lengthy account of the Conference and met the charges made against him. He does not fight shy of the first accusation against him and defends it by saying that in as much *Manusmriti* ordains and sanctifies the age-long oppression and exploitation of the Untouchable Hindus by the so-called High-Class Hindus, this main source of present day Hindu law deserves to be burnt. While meeting the second charge, Dr. Ambedkar takes the wind out of the sails of his opponents when he states that no gagging order was ever passed against and therefore there never arose any question of disobeying it. All that he did, he was persuaded to postpone the *Satyagraha* to a later day by the Collector of Kolaba and he did entirely in the interests of the *Satyagrahis* and the Untouchables. He leaves perfect liberty to his critics to say anything against him on this distinct ground.”¹

“ The case, Hindu versus Untouchables regarding ownership of Chawdar Tank was fixed for hearing on 12th January 1928 in the Court of Second Class Sub-Judge; Mahad. Dr. B. R. Ambedkar started preparation for pleading the case. He wrote a letter on 24th January 1928 to Advocate Markand Dattatraya Vaidya to

¹: The Bombay Chronicle, dated 27th February 1928.

obtain certain documents and also to attend the Court. He specifically asked Mr. Vaidya to obtain a copy of an affidavit filed by a Brahmin priest namely Mr. Pandurang Bhaskar Shashtri Palaye on 30th January 1928 in favour of Dr. B. R. Ambedkar and other quoting the various quotations from the scriptures. The letter is as under :

BHIMRAO R. AMBEDKAR

Damodar Hall, Parel

M. A., Ph. D., D. Sc,

Bombay, 12

Bar-at-law

24-1-28

Member, Legislative Council.

Bombay.

My dear Vaidya,

I am (in) receipt of your letter of the 12th. I notice that the Court is anxious to have the injunction order argued earlier i.e., before the 5th Feb. Well, I propose to come on Thursday the 2nd of Feb. to argue the matter.

I am sending herewith forms of affidavits which you will please prepare in due form and have them declared in time. You may find some difficulty in getting a Mahomedan butcher (I must have a butcher) to make the affidavit. But if you will see the police Sub-Inspector of Mahad and request him on my behalf, I am sure he will oblige you a copy of an affidavit by a Brahmin priest supporting us which will be declared here.

Give sufficient notice to the Defts, in time of the date and also give them copies of affidavits, so that they would have no cause for complaint. Give my regards to Surba. Let me have your reply by Monday the 30th of January at the latest, informing me if everything is ready for the 2nd of Feb.

With my very best regards I am,

Yours sincerely

Sd/-B. R. Ambedkar”¹

¹: Khairmode, Vol. 3, Pp. 239, 244, 245.

Following is the article by P. R. Lele about Mahad Satyagraha—

“Untouchables will renew Satyagraha

The Untouchable's *Satyagraha* of the famous *Chawdar Tank* of Mahad had to suspend their *Saryagraha* in view of a temporary injunction granted by the Sub-Judge of Mahad restraining Dr. B. R. Ambedkar and others from taking water out of that tank. At that time i.e. December last they had to rest satisfied with holding a Conference and giving emphatic expression in several ways to their resentment against the tyranny of Caste-Hindus.

The delegates and visitors of that Conference organised a huge procession and impressed their strength on the minds of the tyrants. Thereafter Dr. Ambedkar with a select party went round the Mahad Taluka and even to the Raigarh Fort. About his visit to Raigarh, I refrain from saying anything inasmuch as Dr. Ambedkar is contemplating or probably has started legal proceedings against certain papers which are alleged to have given misleading reports.

The tour of this party created a sensation in Mahad Taluka, as a repercussion of which even Mussalmans of a certain villages in the vicinity certain papers who are alleged to have given misleading reports.

Interim Injunction Dissolved

Now the Sub-Judge of Mahad has dissolved the interim injunction. I have not got a copy of the judgement on the interlocutory notice but have definite information that it is a considered and pretty long one.

The Judge has hinted that he was misled when he granted the interim injunction and has virtually expressed sorrow for having been instrumental to what may be called the continuation of an insult and a sore. More than this must not at this stage be said as the main case is still subjudice. For the time, however, this is a distinct victory of a just cause. The assertion of civil rights by the so-called Untouchables can now be made without involving the risk of being jammed in between the judiciary on the one side and the orthodoxy on the other.

In the great *Guruka Bagh* struggle there was at least the wholehearted and unanimous sympathy of the public with the Sikh *Satyagrahis*. In the Mahad affair it was not so. The leaders of the Orthodox Hindus refused to listen to the words of advice of the bosses of Poona or even of the *Hindu Sabhawalas*. Those same leaders though discomfited and repulsed, would not take up a strong attitude in favour of the Mahar *Satyagrahis* when it came to the actual assertion of rights. What had to be postponed can now be taken up again.

The Next Campaign

And it is going to be taken up again, this time with far less risk and far greater chances of success. After the return of Dr. Ambedkar, who had been to Mahad for the case, after delivering his well-informed budget criticism, a public meeting was held in the Damodar Thakarsey Hall, Parel, on Sunday 26th instant.

Dr. Ambedkar in a lucid speech explained the situation as it existed on that day and told his followers to consider the earliest date on which to launch the campaign again. The meeting was attended by more than a thousand members of the Depressed Classes. The hall was packed and on the dais were a few Caste-Hindu Friends of the so-called Untouchables besides a majority of prominent members of the latter classes.

The majority of speeches were by these and were full of sincerity and devotion to their leader Dr. Ambedkar. One of the speakers spoke with the greatest impression because he was amongst those who were assaulted by Caste-Hindus sometime in March last when the first attempt was made to take water from the now famous tank.

At that time it was recklessly circulated that hides were washed in the tank and this assaulted gentleman being a cobbler by caste the story was taken up and a wanton assault was perpetrated on him. As another speaker explained water was actually drawn by him and the assault went vicariously to that other gentleman, whose name is Rajbhoj and who was humourously called Bhoj Raja. One could clearly see life in the meeting of Sunday last.

Within A Month

To see them and to say they were Untouchables would be absurd. All the same in the eyes of the orthodox they were so. They have not only to cure themselves of Untouchability but have to uplift the orthodox who are immersed in the slough of prejudice. Their struggle is an essentially patriotic and essentially human struggle.

With such a huge dead weight the nation cannot rise. So long as equal elementary rights are not conceded and assured to them, Hinduism shall stand shackled and manacled. In asserting their rights and in raising themselves, these warriors of the so-called Untouchable classes are raising the country and the Hindu religion. Dr. Ambedkar is now busy organising the next campaign in right earnest. It has been decided to start it within a month probably on the Hindu New Year's Day when every Hindu house-holder flies a flag. The leaders of these Depressed Classes propose to fly their flag of "equal human rights to all" on that day and, God willing, they will do it." ¹

This is an article by D. V. Pradhan about Mahad *Satyagraha*—

"TRIUMPH OF JUSTICE

When in March last, Dr. Ambedkar led the Untouchables to the Chawdar Tank at Mahad, the orthodox section of the Caste Hindus lost their sleep, appetite and all over the "Sacrilege" and mercilessly belaboured the poor unsupported Untouchables while they were returning from the tank. Soon after, criminal proceedings were taken against the rowdies and they were punished for disturbing the public peace. Every effort was made by these so-called "Protectors" of the religion to oppose the Untouchables from coming near the tank and they were encouraged in their action by the orthodox press. It was to assert their right of ordinary human privileges, the Untouchables launched the *Satyagraha* Movement, and in December last, a conference of about 10,000 assembled and unanimously resolved to march on to the tank. But the Orthodox Caste Hindus who smelt this resolve

¹: The Indian National Herald, dated 28th February 1928.

by their nose got a temporary injunction from the sub-judge of Mahad against the Untouchables using the tank of the ground that it was the private property of one Mr. Chowdhari and the touchable classes. Having secured this respite from the authorities, the touchables thought that they had gained the upper hand at the expense of the Government and the Untouchables. Dr. Ambedkar at once saw through the game, but decided to postpone *Satyagraha* till the civil suit was disposed of. The suit came for hearing on 23rd February 1928 before Mr. Vaidya, the sub-Judge of Mahad, and Dr. Ambedkar by his lucid exposition not only got the injunction cancelled but also convinced the judge the *bona-fide* of their right to use the public tank. Since the ban has been removed, the tank is now to be open for public use as per the resolution of the Bombay Legislative Council.

***Satyagraha* to be Launched**

Now, in a public meeting held on Sunday the 26th February, in Bombay, attended by about 2,000 people, it was resolved to relaunch the *Satyagraha* at Mahad. The *Satyagraha* Committee is meeting shortly, and the exact date will be announced shortly.

Those who are following and studying the Untouchable Movement in this part of the country under the leadership of Dr. Ambedkar can very safely and boldly say that the movement is cosmopolitan in character. It is not simply for the opening of the tank for public use, but a movement of this kind with its manifold activities is directly paving the way for the evolution of the national movement for asserting their ordinary privileges of citizenship. It was only recently that Dr. Ambedkar announced his intention to open khadi centres for the Untouchables and thus help the great constructive programme blessed by Mahatmaji, with Khaddar on body and *Satyagraha* in mind against all evils, this movement is bound to succeed.

One word to my friends. As every good movement has to pass through various stages of obstacles and it will have to meet the friendly foes as well open foes-of whom the former are more dangerous-so also this *Satyagraha* has to face all the obstacles put on the way and come out triumphant at last. I only appeal to my friends that in facing these hardships from friends or foes, they

should not lose under any circumstances their courage, patience and perseverance but carry on the struggle to the successful end in all humility by peaceful and non-violent means.

May God give the strength to my suffering brethren and wisdom to the cast Hindus.”¹

Sub-Judge, Mahad, dissolved Mahad injunction—

Chawdar Tank-No Private Property Magistrate Regrets Grant of Injunction

“I cannot conclude this order without expressing my regret at the inconvenience and hardship caused to the defendants by the injunction granted by me, temporary though it was, and at having been instrumental in heaping one more wrong upon a community already labouring under the most cruel and unjust social wrongs. I dissolve the injunction issued by me”. So said the Sub-Judge while dissolving the injunction against Dr. Ambedkar and others.

It will be remembered that Dr. Ambedkar and others who went to offer *Satyagraha* at Mahad in the matter of taking water from the famous Chawdar tank were prevented from doing so by the injunction granted by Mr. G. V. Vaidya, Sub-Judge, Mahad, as applied for by Mr. Pandurang Raghunath Dharap and others, who claimed that the tank concerned was their private property. It is understood that Dr. Ambedkar and others, as also a number of caste Hindu people have decided to offer *Satyagraha* again. Probably they may restart the campaign on the first day of the Hindu New Year, i.e. about three weeks after, as the injunction against them has now been dissolved on the ground that the said tank is “Government municipal property.”

Why Injunction was granted

Delivering judgment of February 23rd the Sub-Judge observes. “The injunction had been granted on the *prima facie* presumption that the *Chawdar Tank* in suit was of the nature of private property. I have now to see whether on the evidence that is now produced for Defendants, that presumption stands or not. That presumption has, in my opinion, been strongly rebutted by the evidence now placed by the Defendants before me.”

¹ : The Bombay Chronicle, dated 2nd March 1928.

While examining the evidence, the sub-judge relies on copies of extracts from Revenue Records and certain other documents like applications from several people to the Municipality for special use of the water of the tank and definitely expresses the view. "All these papers strongly go to prove that the Chawdar Tank in suit is Government Property vesting in the Municipality and not private property of particular individuals as alleged by the Plaintiffs."

Conclusive Evidence

Continuing the judge says : "The presumption that the tank in suit is Municipal property is further strengthened by the fact that in the embankment of the tank, there are slabs of stones in two places bearing inscriptions engraved on them. On the application of Defendant's pleader, a Commissioner was appointed to visit the place and in the presence of the Court and the pleaders for both sides, to make facsimile of these inscriptions. This was done in the presence of the Court and Messrs Joshi and Sathe for Plaintiffs and Mr. Vaidya for the Defendants. Slab marked serial No. 2 bears a clear inscription of the words Municipality Mahad 1899 engraved in Marathi. On slab No. 1 some words are clearly visible while the others appeared to have been tampered with by some one and this tampering appeared to be quite fresh.

Plaintiff's Slender Case

As against all this evidence, plaintiffs rely upon the deed of partition (Ex. 45) of the Dharap family. In the face of all the evidence above referred to the mere fact that years ago, some members of the Dharap family effected, as between themselves a partition of the embankment in front of their house, does not signify much nor does the notice Ex. 44 given by the Municipality to one Diwakar Joshi to repair the embankments built by him in front of his house, as they were in a dilapidated condition and were rendering the water of the tank insanitary, signify much. It in no way constitutes an admission of Plaintiffs' right to the tank itself.

“No Special Preserve”

Whatever may be the final decision of the suit on its merits, I am, for the present, thoroughly satisfied, that the *Chawdar Tank* in suit is Government Municipal property and not the private property of particular individuals as alleged by Plaintiffs. The question then is whether plaintiffs have a right to exclude Defendants from enjoyment thereof. The answer is obviously “No”. In the case of such property there cannot be any reservation in favour of a particular class of community, and the Defendants have as much a right to its enjoyment as the Plaintiffs have. No question of irreparable injury therefore arises. In this case the property being Municipal property and the Defendant having as much a right to use it as the Plaintiffs, their exercise of that right cannot be said to cause any injury to Plaintiffs.

Lame Arguments of Plaintiffs’ Counsel

It is argued for the Plaintiffs by their learned pleader Mr. Virkar that on their own admission, the Defendants have not up to now enjoyed the use of the tank in suit. But, when once it is shown that the property is not private but public and open to all members of the public, the mere non-user of the tank by the Defendants during howsoever long a term of years cannot in any way derogate from their title. I am satisfied from the evidence produced before me that the tank in suit is not the private property of the Plaintiffs, but that it is Government Municipal property, and the Defendants have as much a right to its enjoyment as the Plaintiffs have and that any interference with the exercise of such right would be wholly illegal.

I cannot conclude this order without expressing my regret at the inconvenience and hardship caused to the Defendants by the injunction granted by me, temporary though it was, and at having been instrumental in heaping one more wrong upon a community already labouring under the most cruel and unjust social wrongs. I dissolve the injunction issued by me.” ¹

¹: The Bombay Chronicle, dated 3rd March 1928.

Following is the Police Report of the meeting held at Bombay after dissolution of injunction—

“Untouchables and Satyagrah at Mahad

A public meeting of the Depressed Classes was held at Damodar Thakersey Hall on February 26th when G. N. Sahasrabudhe presided over an audience about 500 people.

Dr. B. R. Ambedkar, who was the principal speaker, said that as the Sub-Judge of the Mahad Court had dissolved the interim injunction against him and the *Satyagraha* Party, he would leave the question of resuming *Satyagraha* to the discretion of the *Satyagraha* Committee of Bombay.

Views expressed by “Indian National Herald” after cancellation of injunction—

“COMMON HUMAN RIGHTS

The Sub-Judge of Mahad having dissolved the temporary injunction issued by him against Dr. Ambedkar and other leaders of the Depressed Classes, the latter, it is understood, propose to assert their civic right to draw water from the public tank at Mahad. When in March last members of the Depressed Classes, who had previously met in a conference at the place, attempted to approach the tank they were roughly handled by the “higher” Caste Hindus, a few Chamars sustaining severe injuries. The leaders of these “higher” Caste Hindus then sought an injunction under section 144 Cr. P. C. from the District Collector, on the ground that the attempt of the “Untouchables” to take water from the tank, in contravention of the existing customary ban on them would spell danger to public peace.

The Collector, refused to take any action. They then applied to the Sub-Judge and succeeded in obtaining from him a temporary injunction against the leaders of the “Untouchables” and consequently the contemplated *Satyagraha* and march to the tank in a body with a view to draw water from it in defiance of the “Higher” Castes, had to be abandoned. Now, however the Sub-Judge has dissolved the injunction, declaring himself satisfied from the evidence that “any interference with the exercise of such

right would be wholly illegal.” That the so-called Higher Castes have absolutely no legal right to prevent any member of the public, from drawing water from a tank which is not private property and which they themselves must be fully aware is a Municipal Tank, would be admitted by any man; who is not blinded by caste prejudices. If the local Municipal authorities had any doubts in the matter the same has been set at rest by the resolution of the Bombay Legislative Council passed in September 1926, declaring that all Municipal Tanks, wells and *Dharmashalas* should be thrown open to all classes of public without any distinction. It is inconceivable that any section of the community, because of their own notions of personal “superiority” in point of caste, should be entitled to prevent any other section from benefiting from the amenities provided from public funds. Such a notion deserves to be knocked on the head, not only in the interests of the oppressed and suppressed classes, but also, and much more, in the interests of the so-called superior classes themselves. Such treatment of fellow beings besides being wholly iniquitous and unjustifiable is bound to have very undesirable consequences for the “Higher” Castes, for sooner or later the oppressed classes must come by the rights, human, civic and political, so long unjustly denied to them and then their exacerbated feelings might lead them to turn the tables on their former oppressors.

The alienation of the sympathy of a section of the Depressed Classes towards the national movement ought also to be a sufficient warning against the perpetuation of the present deplorable conditions. Let us hope that when in a few days Dr. Ambedkar and his fellow castemen proceed to Mahad to assert their right to draw water from the public tank there, not only will there be no opposition, but a cordial welcome will await them from the “Caste” Hindus. Such a consummation would go a long way to heal the wounds cruelly inflicted on their fellowmen.”¹

¹ : The Indian National Herald, dated 6th March 1928.

Mahad Satyagraha changed the social attitudes of some Caste Hindus. Following is one of the examples—

**“Do away with Castes
All Caste Dinner in Bombay**

An all caste dinner was held under the auspices of the Samaj-Samata-Sangh (Social-Equality-League) on the 5th instant in the Damodar Thakersey Hall, Parel.

About 150 persons of different castes including 50 so-called Untouchables attended the dinner. Mr. D. V. Naik, Editor of the *Brahman-Brahmanetar*, and vice-president of the League, welcomed the guests saying that such dinners were organised by the League to be away with caste barriers that separated and disintegrated the Indian nation in general and Hindu society in particular. It was only through free intercourse and inter dining, he added, that the evils of the caste system would be destroyed, and that a new society based on equal status would be developed. They had all gathered there, he proceeded, not on account of inevitable necessity (*Apad-Dharma*), but with a definite purpose and full knowledge and determination to break the intolerable shackles of the rigid system which disapproved and prohibited such sanctions of love and brotherhood.

The League under the able guidance of its learned President Dr. Ambedkar, he assured, the guests, would always welcome and help those who would, with unique courage in both hands, come forward to free themselves and the nation from the present inhuman caste-ridden society.

Mr. A. B. Kolhatkar, the Editor of the *Sandesh* eulogised the work of the League, pointing out the significance of such functions. He said the Hindu society was like a clock of sand where the Brahmins till then had the upper hand but now the time had come when they should ungrudgingly make room for the other castes and especially for the so-called Untouchables. He further believed that if the present abuses of all sorts-political, social and religious were to be eradicated, that could only be done through the instrumentality of a new Shivaji, to be born among the so-called Untouchables.

Mr. V. B. Karnik, the Secretary of the Bombay Maharashtra Youth Mandal drew attention to a resolution passed by it, aiming at the abolition of the iniquitous system of castes and the differences made on grounds of religion and sect by organising inter-caste dinners and encouraging inter-caste marriages and promised that the Mandal would always give its whole-hearted support to the League, which was already in the field in such national work.

Mr. M. R. Menon, said that he had come there to wish Godspeed to Dr. Ambedkar in the righteous work he had undertaken of procuring for the the so-called Untouchables the most elementary human right of drinking water from a public tank at Mahad.”¹

“In spite of Government Resolution, Untouchables were not allowed to draw water in 1932, the Bombay Government instituted a Committee consisting of Symington, I. C. S., and Zakeria Maniyar, to inquire into the condition of the Depressed Classes in the Nasik District. One of the chapters of the report revealed that in that District there were as many as eleven hundred District Local Board wells from which the Untouchables were not allowed to draw water in spite of the Government Resolution of 1923.”²

In the mean time a legal struggle in between Caste Hindus and Depressed Classes was going on in various Courts. Following is the abstract of these incidents.

“Appeal Heard in Thana District Court

Thana, March 20.

Mr. B. N. Sanjana, District Judge, Thana, heard to-day an appeal filed by Pandurang Waman dharap and others of Mahad against the judgement of Mr. Vaidya, Subordinate Judge, Mahad, dissolving an interim injunction granted by him previously against the Mahad Untouchables for bidding them from using the *Chawdar Tank*.

¹ : The Indian National Herald, dated 15th March 1928.

² : Keer, P. 197.

The District Judge passed orders granting a interim injunction restraining the respondents, from using the declaratory suit filed by the touchables in the Mahad Civil Court.”¹

“Kolaba, March 3.—The Bombay Chronicle of March 2, published the following :—“A meeting was held on Sunday, February 26, in Bombay, attended by about 2,000 people. It was resolved to re-launch the *Satyagraha* at Mahad. The *Satyagraha* Committee is meeting shortly and the exact date will be announced shortly.”²

“*Satyagraha* at Mahad : Re-starting of.....

Vide para 309. Kolaba, March 17.—There has been several reports lately that the Mahad *Satyagraha* is to be re-launched on March 22; but this has been personally denied by Dr. Ambedkar who has promised to give a fortnight notice before re-launching it.”³

“488. Vide para 52, Kolaba, March 24.—In the appeal against the order of the Sub-Judge, Mahad, regarding the Chawdar Tank, the District Court, Thana, has passed an order prohibiting an Untouchables from entering the Tank, pending the final decision of the suit regarding the Tank.”⁴

The Sub-Judge of Mahad Hon. V. R. Saraf gave judgement in favour of the respondents Dr. B. R. Ambedkar and others on 8th June 1931, since the appellants caste Hindus could not prove their ownership of the tank. Thus Chawdar Tank was declared as public and open to the Untouchables also.

The Caste Hindu Appellants preferred an appeal against the Judgement in the District Court of Thana. The Second Assistant Judge Hon. S. M. Kokani decided the case in favour of the Respondents Dr. B. R. Ambedkar and others on 30th January 1933.

¹ : The Indian National Herald, dated 22nd March 1928.

² : Bombay Secret Abstract dated 17th March 1928, para, 309.

³ : Bombay Secret Abstract dated 31st March 1928, para, 428.

⁴ : Bombay Secret Abstract dated 7th April 1928.

Thereafter the Caste Hindu Appellants again preferred an appeal in the High Court, Bombay. This case lingered for four years. Lastly Justice Broomfield and Justice Wadia rejected Caste Hindus' appeal on 17th March 1937 since they could not prove their ownership of land of Chawdar Tank.

The Judgement of the High Court, Bombay reads as under :

“APPEAL No. 462 OF 1933 FROM APPELLATE
DECREE

Narhari Damdoar Vaidya; and the others

(Original Plaintiffs Nos. 2 to 6).....Appellants.

versus

Dr. Bhimrao Ramji Ambedkar, Member of Joint Parliamentary Committee, London; and others.

(Original Defendants).....

Respondents.

Second Appeal against the decision of S. M. Kaikini, Esquire, Second Assistant Judge at Thana in Appeal No. 32 of 1931.

Mr. V. B. Virkar for the Appellants,

Counsel Mr. S. V. Gupte, with Mr. B. G. Modak for Respondent No. 1.

17th March 1937

Coram :—Broomfield N. J. and Wadia J. J.

Oral Judgement Per Broomfield N. J.:—

The appellants, on behalf of the caste Hindus of the town of Mahad, sued the respondents, who represented the so-called ‘Untouchables’ for a declaration that the Chawdar Tank near the town belongs to them and that they alone have a right to use It and the respondents are not entitled to use it, and for an injunction against the respondents not to use it. The claim to ownership is not now persisted in and it is conceded that, as found by the trial court, the tank belonged to Government under the provisions of Section 37 of the Land Revenue Code and has now vested in the Municipality of Mahad under Section 50 of the District

Municipalities Act. It is also conceded now that the caste Hindus are not entitled to exclusive user of the tank as against all the world, since Mohamedans may and do use it. It is contended nevertheless that the appellants have the right to use it themselves and to exclude the 'Untouchables' from it, and this right is said to be based on immemorial custom.

The Trial Judge found that the plaintiffs have proved a longstanding custom (he does not describe it as immemorial) of using the tank water to the exclusion of the 'Untouchables.' He held however that the custom conferred no legal right upon the plaintiffs because 'mere user of a public tank by one class and non-user by another would not clothe the class making the user with any legal rights or rights of ownership.' On appeal, the Assistant Judge confirmed the finding that the caste Hindus have not proved that they have any legal right to exclude the 'Untouchables.' He has relied to some extent on a judgement of Sir Sadashiv Ayar V. Vaithilinga, a case not reported apparently in the authorised reports but to be found in 1913 Mad. W. N. 247 and 18 Indian cases 979; but his main reason seems to be that he held that the custom is not shown to be immemorial.

The Chawdar Tank is a small lake or large pool; between four and five acres in extent, on the outskirts of the town. It is surrounded on all sides by municipal roads beyond which are houses occupied by caste Hindus (and a very few Mohamedans), and the owners of these houses also own in many cases strips of land on the edge of the tank, *ghats* or flights of steps to get to the water and the masonry embankments along the sides. There are no houses of 'Untouchables' anywhere near. It is not known how old the tank is, except that it is admittedly not less than 250 years old. There is no evidence as to its origin. It is not even clear that it is artificial. The Trial Judge took the view that it was 'a natural excavation in the bed of the earth, of course repaired and remodelled by human agency.' If this is so—and the point was not disputed in the argument before us—it is probably many centuries old. The water supply comes from the monsoon and a few natural springs. The population of the town Mahad is between seven and eight thousand, of whom less than 400 are 'Untouchables.' The Municipality was established in 1865, but

there is no evidence available, at any date on the record of this case, as to the early history of the town or as to the time when the side was first inhabited.

The Plaintiffs have examined a number of witnesses, many of them old inhabitants, whose evidence may be said to have established that within the period of living memory the tanks has been used exclusively by the Caste Hindus (and a few Mohamedans) and has never been used by the 'Untouchables'. It is in fact admitted that the latter never used it, before the year 1927, when a campaign against the doctrines of 'Untouchability' was carried out by defendant No. 1, and some of the 'Untouchables' went and drank water as a protest. They were assaulted and beaten by the caste Hindus and there were criminal prosecutions which led to the present suit. As there is no record of any attempt having been made by the 'Untouchables' to use the tank before that, there is no evidence of any positive acts of exclusion. What is provided is user by one party and absence of user by the other. This was due, no doubt to any accidental causes but, to the mutual acceptance of the doctrine of 'Untouchability' which until recent years was not openly challenged.

The learned Assistant Judge comments on the fact that there is no evidence of the exclusion of the 'Untouchables' in pre-British times, nothing to show that the exclusion of exclusive user was in force in the days of the Maratha rule or the Musalman rule. It is of course not always necessary to produce evidence going back beyond the memory of living persons. On proof of enjoyment for a period, even less than that, the Courts have frequently felt justified in holding, in the absence of evidence, to the contrary that a custom has existed from time immemorial. Nor, of course, is it necessary in case of this kind to have evidence of positive acts of exclusion of one party by the other. There could be no such evidence as long as the enjoyment of the caste Hindus was not challenged, and it would not be likely to be challenged as long as the doctrine of 'Untouchability' prevailed and was accepted. But a custom proved to have existed during the period of living memory can only be presumed to have existed from before the period of legal memory in case where conditions may be assumed to have been permanent and stable so that it is reasonable to infer

that what has happened during the period covered by the evidence has also happened from time immemorial. This is where the plaintiffs' case in our opinion breaks down. As long as conditions were at all similar, as long as the houses of the Caste Hindus have surrounded the tank, (which is not necessarily very long as the tank is on the outskirts of the town and the land around it would not likely be occupied until after considerable expansion of the original settlement) it may be safely presumed that the practice was the same as at present. It would not be safe to presume, however, that conditions have been similar for a period long enough to establish the alleged custom. The Konkan has had a chequered history, even in comparatively modern times, and to suppose that the Caste Hindus have been in a position to exercise exclusive control over this large natural reservoir situated as it is, from time immemorial, would be contrary to reasonable probability.

In this connection some of the observation of Sir Sadashiv Ayar in *Mariappa V. Vaithilinga* are very instructive. He cites a saying of Manu; 'Waters are pure as long as a cow goes to quench her thirst in and they have a good scent, colour and taste,' and he points out that the *Shastric* writings 'Make a distinction between rivers, tanks and other receptacle which are more easily contaminated and where purification by time, atmospheric conditions and movement of the water is much more difficult.' The learned Judge suggests that the dictates of the Hindu religion would not require any elaborate precautions against the pollution of water in a large open tank, and he was dealing with a tank in a village site considerably smaller than the Chawdar Tank at Mahad. The doctrine of 'Untouchability' therefore does not appear to go far enough to lend very much support to the appellants' case and it is doubtful whether any attempt would be made to secure exclusive user of the water until such time as the tank came to be surrounded by the houses of the caste Hindus.

This is the only case to which our attention has been drawn dealing with a claim to exclude 'Untouchables' from the use of a watering-place of this description. The temple-entry cases, e. g. *Anandrav N. Shankar*, (1883) I. L. R., 7 Bom. 323, and *Sankaralinga V. Rajeswara*, (1908) I. L. R., 31 Mad. 236, P. C,

are not really on all fours. In such case long practice acquiesced in by the other castes and communities may naturally give rise to a presumption of dedication to the exclusive use of the higher castes, and may throw upon the 'Untouchables' the burden of proving that they are among the people for whose worship a particular temple exists. No such presumption of a lawful origin of the custom can be said to arise here.

We therefore agree with the learned Assistant Judge that the appellants have not established the immemorial custom which they allege. Had they succeeded on this point it might have been necessary to consider whether the custom were unreasonable or contrary to public policy (though strictly speaking, it was not pleaded in the lower courts). It would certainly have been necessary to consider the legal effect of the vesting of the Chawdar Tank in the Municipality, and the question whether in any case the appellants could be granted any relief in this suit in which the legal owner is not a party. But as it is not necessary to decide these questions in the view we take of the case, and as they have not been very fully or effectively argued, we prefer to express no opinion.

Appeal dismissed with costs.

The seal of the
High Court at
Bombay.

By order of the Court
Sd/- R. S. Bavdekar,
Registrar
Sd/-

High Court Appellate
Side certified copy
Bombay.

For Deputy Registrar”
the 28th day of June 1960.¹

The words of Dr. B. R. Ambedkar that “Lost rights are never regained by begging, and by appeals to the conscience of the usurpers, but by relentless struggle” have been proved by Mahad *Satyagraha*.—Editors.

••

¹: Khairmode, Vol. 3, Pp. 258-263.

ANNIHILATION OF CASTE
WITH
A Reply to Mahatma Gandhi

“Know Truth as Truth and Untruth as Untruth”
—BUDDHA

*“He that WILL NOT reason is a bigot
He that CANNOT reason is a fool
He that DARE NOT reason is a slave”*
—H. DRUMMOND

Printed from the third edition of 1944

ANNIHILATION OF CASTE

PREFACE TO THE SECOND EDITION

The speech prepared by me for the Jat-Pat-Todak Mandal of Lahore has had an astonishingly warm reception from the Hindu public for whom it was primarily intended. The English edition of one thousand five hundred was exhausted within two months of its publication. It is translated into Gujarati and Tamil. It is being translated in Marathi, Hindi, Punjabi and Malayalam. The demand for the English text still continues unabated. To satisfy this demand it has become necessary to issue a Second Edition. Considerations of history and effectiveness of appeal have led me to retain the original form of the essay—namely the speech form—although I was asked to recast it in the form of a direct narrative. To this edition I have added two appendices. I have collected in Appendix I the two articles written by Mr. Gandhi by way of review of my speech in the *Harijan*, and his letter to Mr. Sant Ram, a member of the Jat-Pat-Todak Mandal. In Appendix II, I have printed my views in reply to the articles of Mr. Gandhi collected in Appendix I. Besides Mr. Gandhi many others have adversely criticised my views as expressed in my speech. But I have felt that in taking notice of such adverse comments I should limit myself to Mr. Gandhi. This I have done not because what he has said is so weighty as to deserve a reply but because to many a Hindu he is an oracle, so great that when he opens his lips it is expected that the argument must close and no dog must bark. But the world owes much to rebels who would dare to argue in the face of the pontiff and insist that he is not infallible. I do not care for the credit which every progressive society

must give to its rebels. I shall be satisfied if I make the Hindus realize that they are the sick men of India and that their sickness is causing danger to the health and happiness of other Indians.

B. R. AMBEDKAR

PREFACE TO THE THIRD EDITION

The Second edition of this Essay appeared in 1937, and was exhausted within a very short period. A new edition has been in demand for a long time. It was my intention to recast the essay so as to incorporate into it another essay of mine called "*Castes in India, their Origin and their Mechanism*", which appeared in the issue of the Indian Antiquary Journal for May 1917. But as I could not find time, and as there is very little prospect of my being able to do so and as the demand for it from the public is very insistent, I am content to let this be a mere reprint of the Second edition.

I am glad to find that this essay has become so popular, and I hope that it will serve the purpose for which it was intended.

**22, Prithwiraj Road
New Delhi
1st December 1944**

B. R. AMBEDKAR

PROLOGUE

On December 12, 1935, I received the following letter from Mr. Sant Ram, the Secretary of the Jat-Pat-Todak Mandal :

My dear Doctor Saheb,

Many thanks for your kind letter of the 5th December. I have released it for press without your permission for which I beg your pardon, as I saw no harm in giving it publicity. You are a great thinker, and it is my well-considered opinion that none else has studied the problem of Caste so deeply as you have. I have always benefited myself and our Mandal from your ideas. I have explained and preached it in the *Kranti* many times and I have even lectured on it in many Conferences. I am now very anxious to read the exposition of your new formula—"It is not possible to break Caste without annihilating the religious notions on which it, the Caste system, is founded." Please do explain it at length at your earliest convenience, so that we may take up the idea and emphasise it from press and platform. At present, it is not fully clear to me.

* * * * *

Our Executive Committee persists in having you as our President for our Annual Conference. We can change our dates to accommodate your convenience. Independent Harijans of Punjab are very much desirous to meet you and discuss with you their plans. So if you kindly accept our request and come to Lahore to preside over the Conference it will serve double purpose. We will invite Harijan leaders of all shades of opinion and you will get an opportunity of giving your ideas to them.

The Mandal has deputed our Assistant Secretary, Mr. Indra Singh, to meet you at Bombay in Xmas and discuss with you the whole situation with a view to persuade you to please accept our request.

* * * * *

The Jat-Pat-Todak Mandal, I was given to understand, to be an organization of Caste Hindu Social Reformers, with the one and only aim, namely to eradicate the Caste System from amongst the Hindus. As a rule, I do not like to take any part in a movement which is carried on by the Caste Hindus. Their attitude towards social reform is so different from mine that I have found it difficult to pull on with them. Indeed, I find their company quite

uncongenial to me on account of our differences of opinion. Therefore when the Mandal first approached me I declined their invitation to preside. The Mandal, however, would not take a refusal from me and sent down one of its members to Bombay to press me to accept the invitation. In the end I agreed to preside. The Annual Conference was to be held at Lahore, the headquarters of the Mandal. The Conference was to meet in Easter but was subsequently postponed to the middle of May 1936. The Reception Committee of the Mandal has now cancelled the Conference. The notice of cancellation came long after my Presidential address had been printed. The copies of this address are now lying with me. As I did not get an opportunity to deliver the address from the presidential chair the public has not had an opportunity to know my views on the problems created by the Caste System. To let the public know them and also to dispose of the printed copies which are lying on my hand, I have decided to put the printed copies of the address in the market. The accompanying pages contain the text of that address.

The public will be curious to know what led to the cancellation of my appointment as the President of the Conference. At the start, a dispute arose over the printing of the address. I desired that the address should be printed in Bombay. The Mandal wished that it should be printed in Lahore on the ground of economy. I did not agree and insisted upon having it printed in Bombay. Instead of agreeing to my proposition I received a letter signed by several members of the Mandal from which I give the following extract :

27-3-36

Revered Dr. Ji,

Your letter of the 24th instant addressed to Sjt. Sant Ram has been shown to us. We were a little disappointed to read it. Perhaps you are not fully aware of the situation that has arisen here. Almost all the Hindus in the Punjab are against your being invited to this province. The Jat-Pat-Todak Mandal has been subjected to the bitterest criticism and has received censorious rebuke from all quarters. All the Hindu leaders among whom being Bhai Parmanand, M.L.A. (Ex-President, Hindu Maha Sabha), Mahatma Hans Raj, Dr. Gokal Chand Narang, Minister for Local Self-Government, Raja Narendra Nath, M.L.C. etc., have dissociated themselves from this step of the Mandal.

Despite all this the runners of the Jat-Pat-Todak Mandal (the leading figure being Sjt. Sant Ram) are determined to wade through thick and thin but

would not give up the idea of your presidentship. The Mandal has earned a bad name.

* * * * *

Under the circumstances it becomes your duty to co-operate with the Mandal. On the one hand, they are being put to so much trouble and hardship by the Hindus and if on the other hand you too augment their difficulties it will be a most sad coincidence of bad luck for them.

We hope you will think over the matter and do what is good for us all.

* * * * *

This letter puzzled me greatly. I could not understand why the Mandal should displease me for the sake of a few rupees in the matter of printing the address. Secondly, I could not believe that men like Sir Gokal Chand Narang had really resigned as a protest against my selection as President because I had received the following letter from Sir Gokal Chand himself :

5 Montgomery Road
Lahore, 7-2-36

Dear Doctor Ambedkar,

I am glad to learn from the workers of the Jat-Pat-Todak Mandal that you have agreed to preside at their next anniversary to be held at Lahore during the Easter holidays. It will give me much pleasure if you stay with me while you are at Lahore. More when we meet.

Yours sincerely,
G. C. NARANG

Whatever be the truth I did not yield to this pressure. But even when the Mandal found that I was insisting upon having my address printed in Bombay instead of agreeing to my proposal the Mandal sent me a wire that they were sending Mr. Har Bhagwan to Bombay to "talk over matters personally" Mr. Har Bhagwan came to Bombay on the 9th of April. When I met Mr. Har Bhagwan I found that he had nothing to say regarding the issue. Indeed, he was so unconcerned regarding the printing of the address, whether it should be printed in Bombay or in Lahore, that he did not even mention it in the course of our conversation. All that he was anxious for was to know the contents of the address. I was then convinced that in getting the address printed in Lahore the main object of the Mandal was not to save money but to get at the contents of the address. I gave him a copy. He did not feel very happy with some parts of it. He returned to Lahore. From Lahore, he wrote to me the following letter :

Lahore, dated April 14, 1936

My dear Doctor Sahib,

Since my arrival from Bombay, on the 12th, I have been indisposed owing to my having not slept continuously for 5 or 6 nights, which were spent in the

train. Reaching here I came to know that you had come to Amritsar. I would have seen you there if I were well enough to go about. I have made over your address to Mr. Sant Ram for translation and he has liked it very much, but he is not sure whether it could be translated by him for printing before the 25th. In any case, it would have a wide publicity and we are sure it would wake the Hindus up from their slumber.

The passage I pointed out to you at Bombay has been read by some of our friends with a little misgiving, and those of us who would like to see the Conference terminate without any untoward incident would prefer that at least the word "Veda" be left out for the time being. I leave this to your good sense. I hope, however, in your concluding paragraphs you will make it clear that the views expressed in the address are your own and that the responsibility does not lie on the Mandal. I hope, you will not mind this statement of mine and would let us have 1,000 copies of the address, for which we shall, of course, pay. To this effect I have sent you a telegram today. A cheque of Rs. 100 is enclosed herewith which kindly acknowledge, and send us your bills in due time.

I have called a meeting of the Reception Committee and shall communicate their decision to you immediately. In the meantime kindly accept my heartfelt thanks for the kindness shown to me and the great pains taken by you in the preparation of your address. You have really put us under a heavy debt of gratitude.

Yours sincerely,
HAR BHAGWAN

P.S.—Kindly send the copies of the address by passenger train as soon as it is printed, so that copies may be sent to the Press for publication.

Accordingly I handed over my manuscript to the printer with an order to print 1,000 copies. Eight days later, I received another letter from Mr. Har Bhagwan which I reproduce below :

Lahore, 22-4-36

Dear Dr. Ambedkar,

We are in receipt of your telegram and letter, for which kindly accept our thanks. In accordance with your desire, we have again postponed our Conference, but feel that it would have been much better to have it on the 25th and 26th, as the weather is growing warmer and warmer every day in the Punjab. In the middle of May it would be fairly hot, and the sittings in the day time would not be very pleasant and comfortable. However, we shall try our best to do all we can to make things as comfortable as possible, if it is held in the middle of May.

There is, however, one thing that we have been compelled to bring to your kind attention. You will remember that when I pointed out to you the misgivings entertained by some of our people regarding your declaration on the subject of change of religion, you told me that it was undoubtedly outside the scope of the Mandal and that you had no intention to say anything from our platform in that connection. At the same time when the manuscript of your address was handed to me you assured me that that was the main portion of your address and that there were only two or three concluding paragraphs that you wanted to add. On receipt of the second instalment of your address we have been taken by surprise, as that would make it so lengthy, that we are afraid, very few people would read the whole of it. Besides that you have more than once stated in your address that you had decided to walk out of the fold of the Hindus and that that was your last address as a Hindu. You have also unnecessarily attacked the morality and reasonableness of the *Vedas* and other religious books of the Hindus, and have at length dwelt upon the technical side of Hindu religion, which has absolutely no connection with the problem at issue, so much so that some of the passages have become irrelevant and off the point. We would have been very pleased if you had confined your address to that portion given to me, or if an addition was necessary, it would have been limited to what you had written on Brahminism etc. The last portion which deals with the complete annihilation of Hindu religion and doubts the morality of the sacred books of the Hindus as well as a hint about your intention to leave the Hindu fold does not seem to me to be relevant.

I would therefore most humbly request you on behalf of the people responsible for the Conference to leave out the passages referred to above, and close the address with what was given to me or add a few paragraphs on Brahminism. We doubt the wisdom of making the address unnecessarily provocative and pinching. There are several of us who subscribe to your feelings and would very much want to be under your banner for remodelling of the Hindu religion. If you had decided to get together persons of your cult I can assure you a large number would have joined your army of reformers from the Punjab.

In fact, we thought you would give us a lead in the destruction of the evil of caste system, especially when you have studied the subject so thoroughly, and strengthen our hands by bringing about a revolution and making yourself as a nucleus in the gigantic effort, but declaration of the nature made by you when repeated loses its power, and becomes a hackneyed term. Under the circumstances, I would request you to consider the whole matter and make your address more effective by saying that you would be glad to take a leading part in the destruction of the caste system if the Hindus are willing to work in right earnest toward that end, even if they had to forsake their kith and kin and the religious notions. In case you do so, I am sanguine that you would find a ready response from the Punjab in such an endeavour.

I shall be grateful if you will help us at this juncture as we have already undergone much expenditure and have been put to suspense, and let us know by the return of post that you have condescended to limit your address as above. In case, you still insist upon the printing of the address *in toto*, we very much regret it would not be possible—rather advisable for us to hold the Conference, and would prefer to postpone it *sine die*, although by doing so we shall be losing the goodwill of the people because of the repeated postponements. We should, however, like to point out that you have carved a niche in our hearts by writing such a wonderful treatise on the caste system, which excels all other treatises so far written and will prove to be a valuable heritage, so to say. We shall be ever indebted to you for the pains taken by you in its preparation.

Thanking you very much for your kindness and with best wishes.

I am, yours sincerely,
HAR BHAGWAN

To this letter I sent the following reply :

27th April 1936

Dear Mr. Har Bhagwan,

I am in receipt of your letter of the 22nd April. I note with regret that the Reception Committee of the Jat-Pat-Todak Mandal “would prefer to postpone the Conference *sine die*” if I insisted upon printing the address *in toto*. In reply I have to inform you that I also would prefer to have the Conference cancelled—I do not like to use vague terms—if the Mandal insisted upon having my address pruned to suit its circumstances. You may not like my decision. But I cannot give up, for the sake of the honour of presiding over the Conference, the liberty which every President must have in the preparation of the address. I cannot give up for the sake of pleasing the Mandal the duty which every President owes to the Conference over which he presides to give it a lead which he thinks right and proper. The issue is one of principle and I feel I must do nothing to compromise it in any way.

I would not have entered into any controversy as regards the propriety of the decision taken by the Reception Committee. But as you have given certain reasons which appear to throw the blame on me. I am bound to answer them. In the first place, I must dispel the notion that the views contained in that part of the address to which objection has been taken by the Committee have come to the Mandal as a surprise. Mr. Sant Ram, I am sure, will bear me out when I say that in reply to one of his letters I had said that the real method of breaking up the Caste System was not to bring about inter-caste dinners and inter-caste marriages but to destroy the religious notions on which Caste was founded and that Mr. Sant Ram in return asked me to explain what he said was a novel point of view. It was in response to

this invitation from Mr. Sant Ram that I thought I ought to elaborate in my address what I had stated in a sentence in my letter to him. You cannot, therefore, say that the views expressed are new. At any rate, they are not new to Mr. Sant Ram who is the moving spirit and the leading light of your Mandal. But I go further and say that I wrote this part of my address not merely because I felt it desirable to do so. I wrote it because I thought that it was absolutely necessary to complete the argument. I am amazed to read that you characterize the portion of the speech to which your Committee objects as "irrelevant and off the point". You will allow me to say that I am a lawyer and I know the rules of relevancy as well as any member of your Committee. I most emphatically maintain that the portion objected to is not only most relevant but is also important. It is in that part of the address that I have discussed the ways and means of breaking up the Caste System. It may be that the conclusion I have arrived at as to the best method of destroying Caste is startling and painful. You are entitled to say that my analysis is wrong. But you cannot say that in an address which deals with the problem of Caste it is not open to me to discuss how Caste can be destroyed.

Your other complaint relates to the length of the address. I have pleaded guilty to the charge in the address itself. But, who is really responsible for this? I fear you have come rather late on the scene. Otherwise you would have known that originally I had planned to write a short address for my own convenience as I had neither the time nor the energy to engage myself in the preparation of an elaborate thesis. It was the Mandal who asked me to deal with the subject exhaustively and it was the Mandal which sent down to me a list of questions relating to the Caste System and asked me to answer them in the body of my address as they were questions which were often raised in the controversy between the Mandal and its opponents and which the Mandal found difficult to answer satisfactorily. It was in trying to meet the wishes of the Mandal in this respect that the address has grown to the length to which it has. In view of what I have said I am sure you will agree that the fault respecting length of the address is not mine.

I did not expect that your Mandal would be so upset because I have spoken of the destruction of Hindu Religion. I thought it was only fools who were afraid of words. But lest there should be any misapprehension in the minds of the people I have taken great pains to explain what I mean by religion and destruction of religion. I am sure that nobody on reading my address could possibly misunderstand me. That your Mandal should have taken a fright at mere words as "destruction of religion etc." notwithstanding the explanation that accompanies, them does not raise the Mandal in my estimation. One cannot have any respect or regard for men who take the position of the Reformer and then refuse even to see the logical consequences of that position, let alone following them out in action.

You will agree that I have never accepted to be limited in any way in the preparation of my address and the question as to what the address should or

should not contain was never even discussed between myself and the Mandal. I had always taken for granted that I was free to express in the address such views as I held on the subject. Indeed until, you came to Bombay on the 9th April the Mandal did not know what sort of an address I was preparing. It was when you came to Bombay that I voluntarily told you that I had no desire to use your platform from which to advocate my views regarding change of religion by the Depressed Classes. I think I have scrupulously kept that promise in the preparation of the address. Beyond a passing reference of an indirect character where I say that "I am sorry I will not be here. . . etc." I have said nothing about the subject in my address. When I see you object even to such a passing and so indirect a reference, I feel bound to ask ; did you think that in agreeing to preside over your Conference I would be agreeing to suspend or to give up my views regarding change of faith by the Depressed Classes ? If you did think so I must tell you that I am in no way responsible for such a mistake on your part. If any of you had even hinted to me that in exchange for the honour you were doing me by electing as President, I was to abjure my faith in my programme of conversion, I would have told you in quite plain terms that I cared more for my faith than for any honour from you.

After your letter of the 14th, this letter of yours comes as a surprise to me. I am sure that any one who reads them will feel the same. I cannot account for this sudden *volte face* on the part of the Reception Committee. There is no difference in substance between the rough draft which was before the Committee when you wrote your letter of the 14th and the final draft on which the decision of the Committee communicated to me in your letter under reply was taken. You cannot point out a single new idea in the final draft which is not contained in the earlier draft. The ideas are the same. The only difference is that they have been worked out in greater detail in the final draft. If there was anything to object to in the address you could have said so on the 14th. But you did not. On the contrary you asked me to print off 1,000 copies leaving me the liberty to accept or not the verbal changes which you suggested. Accordingly I got 1,000 copies printed which are now lying with me. Eight days later you write to say that you object to the address and that if it is not amended the Conference will be cancelled. You ought to have known that there was no hope of any alteration being made in the address. I told you when you were in Bombay that I would not alter a comma, that I would not allow any censorship over my address and that you would have to accept the address as it came from me. I also told you that the responsibility for the views expressed in the address was entirely mine and if they were not liked by the Conference I would not mind at all if the Conference passed a resolution condemning them. So anxious was I to relieve your Mandal from having to assume responsibility for my views and also with the object of not getting myself entangled by too intimate

an association with your Conference, I suggested to you that I desired to have my address treated as a sort of an inaugural address and not as a Presidential address and that the Mandal should find some one else to preside over the Conference, and deal with the resolutions. Nobody could have been better placed to take a decision on the 14th than your Committee. The Committee failed to do that and in the meantime cost of printing has been incurred which, I am sure, with a little more firmness on the part of your Committee could have been saved.

I feel sure that the views expressed in my address have little to do with the decision of your Committee. I have reasons to believe that my presence at the Sikh Prachar Conference held at Amritsar has had a good deal to do with the decision of the Committee. Nothing else can satisfactorily explain the sudden *volte face* shown by the Committee between the 14th and the 22nd April. I must not however prolong this controversy and must request you to announce immediately that the Session of the Conference which was to meet under my Presidentship is cancelled. All the grace has by now run out and I shall not consent to preside even if your Committee agreed to accept my address as it is *in toto*. I thank you for your appreciation of the pains I have taken in the preparation of the address. I certainly have profited by the labour if no one else does. My only regret is that I was put to such hard labour at a time when my health was not equal to the strain it has caused.

Yours sincerely,
B. R. AMBEDKAR

This correspondence will disclose the reasons which have led to the cancellation by the Mandal of my appointment as President and the reader will be in a position to lay the blame where it ought properly to belong. This is I believe the first time when the appointment of a President is cancelled by the Reception Committee because it does not approve of the views of the President. But whether that is so or not, this is certainly the first time in my life to have been invited to preside over a Conference of Caste Hindus. I am sorry that it has ended in a tragedy. But what can any one expect from a relationship so tragic as the relationship between the reforming sect of Caste Hindus and the self-respecting sect of Untouchables where the former have no desire to alienate their orthodox fellows and the latter have no alternative but to insist upon reform being carried out ?

Rajgriha, Dadar, Bombay 14
15th May 1936

B. R. AMBEDKAR

SPEECH PREPARED

BY

Dr. B.R. AMBEDKAR

FOR

**The 1936 Annual Conference of
the Jat-Pat-Todak Mandal of Lahore**

BUT

NOT DELIVERED

*Owing to the cancellation of the Conference by
the Reception Committee on the ground that
the views expressed in the Speech would be
unbearable to the Conference*

Friends,

I am really sorry for the members of the Jat-Pat-Todak Mandal who have so very kindly invited me to preside over this Conference. I am sure they will be asked many questions for having selected me as the President. The Mandal will be asked to explain as to why it has imported a man from Bombay to preside over a function which is held in Lahore. I believe the Mandal could easily have found some one better qualified than myself to preside on the occasion. I have criticised the Hindus. I have questioned the authority of the Mahatma whom they revere. They hate me. To them I am a snake in their garden. The Mandal will no doubt be asked by the politically-minded Hindus to explain why it has called me to fill this place of honour. It is an act of great daring. I shall not be surprised if some political Hindus regard it as an insult. This selection of mine cannot certainly please the ordinary religiously-minded Hindus. The Mandal may be asked to explain why it has disobeyed the *Shastric* injunction in selecting the President. According to the *Shastras* the Brahmin is appointed to be the Guru for the three *Varnas*, वर्णानाम् ब्राह्मणो गुरु, is a direction of the *Shastras*. The Mandal therefore knows from whom a Hindu should take his lessons and from whom he should not. The *Shastras* do not permit a Hindu to accept any one as his Guru merely because he is well-versed. This is made very clear by Ramdas, a Brahmin saint from Maharashtra, who is alleged to have inspired Shivaji to establish a Hindu Raj. In his *Dasbodh*, a socio-politico-religious treatise in Marathi verse *Ramdas* asks, addressing the Hindus, can we accept an Antyaja to be our Guru because he is a Pandit (i.e. *learned*) and gives an answer in the negative. What replies to give to these questions is a matter which I must leave to the Mandal. The Mandal knows best the reasons which led it to travel to Bombay to select a president, to fix upon a man so repugnant to the Hindus and to descend so low in the scale as to select an Antyaja— an untouchable—to address an audience of the *Savarnas*. As for myself you will allow me to say that I have accepted the invitation much against my will and also against the will of many of my fellow untouchables. I know that the Hindus are sick of me. I know that I am not a *persona grata* with them. Knowing all this I have deliberately kept myself away from them. I have no desire to inflict myself upon them. I have been giving expression to my views from my own platform. This has already caused a great deal of heartburning and irritation. I have no desire to ascend the platform of the Hindus to do within their sight what I have been doing within their hearing. If I am here it is because of your choice and not because of my wish. Yours is a cause of social reform. That cause has always made an appeal to me and it is because of this that I felt I ought not to refuse an opportunity of helping the cause especially when you think that I can help it. Whether what I am

going to say today will help you in any way to solve the problem you are grappling with is for you to judge. All I hope to do is to place before you my views on the problem.

II

The path of social reform like the path to heaven at any rate in India, is strewn with many difficulties. Social reform in India has few friends and many critics. The critics fall into two distinct classes. One class consists of political reformers and the other of the socialists.

It was at one time recognized that without social efficiency no permanent progress in the other fields of activity was possible, that owing to mischief wrought by the evil customs, Hindu Society was not in a state of efficiency and that ceaseless efforts must be made to eradicate these evils. It was due to the recognition of this fact that the birth of the National Congress was accompanied by the foundation of the Social Conference. While the Congress was concerned with defining the weak points in the political organisation of the country, the Social Conference was engaged in removing the weak points in the social organisation of the Hindu Society. For some time the Congress and the Conference worked as two wings of one common activity and they held their annual sessions in the same pandal. But soon the two wings developed into two parties, a Political Reform Party and a Social Reform Party, between whom there raged a fierce controversy. The Political Reform Party supported the National Congress and Social Reform Party supported the Social Conference. The two bodies thus became two hostile camps. The point at issue was whether social reform should precede political reform. For a decade the forces were evenly balanced and the battle was fought without victory to either side. It was however evident that the fortunes of the Social Conference were ebbing fast. The gentlemen who presided over the sessions of the Social Conference lamented that the majority of the educated Hindus were for political advancement and indifferent to social reform and that while the number of those who attended the Congress was very large and the number who did not attend but who sympathized with it even larger, the number of those who attended the Social Conference was very much smaller. This indifference, this thinning of its ranks was soon followed by active hostility from the politicians. Under the leadership of the late Mr. Tilak, the courtesy with which the Congress allowed the Social Conference the use of its pandal was withdrawn and the spirit of enmity went to such a pitch that when the Social Conference desired to erect its own pandal a threat to burn the pandal was held out by its opponents. Thus in course of time the party in favour of political reform won and the Social Conference vanished and was forgotten. The speech, delivered by Mr. W.C. Bonnerji in 1892 at Allahabad as President of the eighth session of the Congress, sounds like a funeral oration at the death of the Social Conference

and is so typical of the Congress attitude that I venture to quote from it the following extract. Mr. Bonnerji said :

“I for one have no patience with those who say we shall not be fit for political reform until we reform our social system. I fail to see any connection between the two. . . Are we not fit (for political reform) because our widows remain unmarried and our girls are given in marriage earlier than in other countries ? because our wives and daughters do not drive about with us visiting our friends ? because we do not send our daughters to Oxford and Cambridge ?” (Cheers)

I have stated the case for political reform as put by Mr. Bonnerji. There were many who are happy that the victory went to the Congress. But those who believe in the importance of social reform may ask, is the argument such as that of Mr. Bonnerji final ? Does it prove that the victory went to those who were in the right ? Does it prove conclusively that social reform has no bearing on political reform ? It will help us to understand the matter if I state the other side of the case. I will draw upon the treatment of the untouchables for my facts.

Under the rule of the Peshwas in the Maratha country the untouchable was not allowed to use the public streets if a Hindu was coming along lest he should pollute the Hindu by his shadow. The untouchable was required to have a black thread either on his wrist or in his neck as a sign or a mark to prevent the Hindus from getting themselves polluted by his touch through mistake. In Poona, the capital of the Peshwa, the untouchable was required to carry, strung from his waist, a broom to sweep away from behind the dust he treaded on lest a Hindu walking on the same should be polluted. In Poona, the untouchable was required to carry an earthen pot, hung in his neck wherever he went, for holding his spit lest his spit falling on earth should pollute a Hindu who might unknowingly happen to tread on it. Let me take more recent facts. The tyranny practised by the Hindus upon the Balais, an untouchable community in Central India, will serve my purpose. You will find a report of this in the *Times of India* of 4th January 1928. The correspondent of the *Times of India* reported that high caste Hindus, viz. Kalotas, Rajputs and Brahmins including the Patels and Patwaris of villages of Kanaria, Bicholi-Hafsi, Bicholi-Mardana and of about 15 other villages in the Indore district (of the Indore State) informed the Balais of their respective villages that if they wished to live among them they must conform to the following rules :

- (1) Balais must not wear gold-lace-bordered pugrees.
- (2) They must not wear dhotis with coloured or fancy borders.
- (3) They must convey intimation of the death of any Hindu to relatives of the deceased—no matter how far away these relatives may be living.

- (4) In all Hindu marriages, Balais must play music before the processions and during the marriage.
- (5) Balai women must not wear gold or silver ornaments; they must not wear fancy gowns or jackets.
- (6) Balai women must attend all cases of confinement of Hindu women.
- (7) Balais must render services without demanding remuneration and must accept whatever a Hindu is pleased to give.
- (8) If the Balais do not agree to abide by these terms they must clear out of the villages. The Balais refused to comply ; and the Hindu element proceeded against them. Balais were not allowed to get water from the village wells; they were not allowed to let go their cattle to graze. Balais were prohibited from passing through land owned by a Hindu, so that if the field of a Balai was surrounded by fields owned by Hindus, the Balai could have no access to his own field. The Hindus also let their cattle graze down the fields of Balais. The Balais submitted petitions to the Darbar against these persecutions ; but as they could get no timely relief, and the oppression continued, hundreds of Balais with their wives and children were obliged to abandon their homes in which their ancestors lived for generations and to migrate to adjoining States, viz. to villages in Dhar, Dewas, Bagli, Bhopal, Gwalior and other States. What happened to them in their new homes may for the present be left out of our consideration. The incident at Kavitha in Gujarat happened only last year. The Hindus of Kavitha ordered the untouchables not to insist upon sending their children to the common village school maintained by Government. What sufferings the untouchables of Kavitha had to undergo for daring to exercise a civic right against the wishes of the Hindus is too well known to need detailed description. Another instance occurred in the village of Zanu in the Ahmedabad district of Gujarat. In November 1935 some untouchable women of well-to-do families started fetching water in metal pots. The Hindus looked upon the use of metal pots by untouchables as an affront to their dignity and assaulted the untouchable women for their impudence. A most recent event is reported from the village Chakwara in Jaipur State. It seems from the reports that have appeared in the newspapers that an untouchable of Chakwara who had returned from a pilgrimage had arranged to give a dinner to his fellow untouchables of the village as an act of religious piety. The host desired to treat the guests to a sumptuous meal and the items served included *ghee* (butter) also. But while the assembly of untouchables was engaged in partaking of the food, the Hindus in their hundreds, armed with lathis, rushed to the scene, despoiled the food and belaboured the untouchables who

left the food they were served with and ran away for their lives. And why was this murderous assault committed on defenceless untouchables? The reason given is that the untouchable host was impudent enough to serve ghee and his untouchable guests were foolish enough to taste it. Ghee is undoubtedly a luxury for the rich. But no one would think that consumption of ghee was a mark of high social status. The Hindus of Chakwara thought otherwise and in righteous indignation avenged themselves for the wrong done to them by the untouchables, who insulted them by treating ghee as an item of their food which they ought to have known could not be theirs, consistently with the dignity of the Hindus. This means that an untouchable must not use ghee even if he can afford to buy it, since it is an act of arrogance towards the Hindus. This happened on or about the 1st of April 1936 !

Having stated the facts, let me now state the case for social reform. In doing this, I will follow Mr. Bonnerji, as nearly as I can and ask the political-minded Hindus "Are you fit for political power even though you do not allow a large class of your own countrymen like the untouchables to use public school? Are you fit for political power even though you do not allow them the use of public wells? Are you fit for political power even though you do not allow them the use of public streets? Are you fit for political power even though you do not allow them to wear what apparel or ornaments they like? Are you fit for political power even though you do not allow them to eat any food they like?" I can ask a string of such questions. But these will suffice. I wonder what would have been the reply of Mr. Bonnerji. I am sure no sensible man will have the courage to give an affirmative answer. Every Congressman who repeats the dogma of Mill that one country is not fit to rule another country must admit that one class is not fit to rule another class.

How is it then that the Social Reform Party lost the battle? To understand this correctly it is necessary, to take note of the kind of social reform which the reformers were agitating for. In this connection it is necessary to make a distinction between social reform in the sense of the reform of the Hindu Family and social reform in the sense of the reorganization and reconstruction of the Hindu Society. The former has relation to widow remarriage, child marriage etc., while the latter relates to the abolition of the Caste System. The Social Conference was a body which mainly concerned itself with the reform of the high caste Hindu Family. It consisted mostly of enlightened high caste Hindus who did not feel the necessity for agitating for the abolition of caste or had not the courage to agitate for it. They felt quite naturally a greater urge to remove such evils as enforced widowhood, child marriages etc., evils which prevailed among them and which were

personally felt by them. They did not stand up for the reform of the *Hindu* society. The battle that was fought centered round the question of the reform of the family. It did not relate to the social reform in the sense of the break-up of the caste system. It was never put in issue by the reformers. That is the reason why the Social Reform Party lost.

I am aware that this argument cannot alter the fact that political reform did in fact gain precedence over social reform. But the argument has this much value if not more. It explains why social reformers lost the battle. It also helps us to understand how limited was the victory which the Political Reform Party obtained over the Social Reform Party and that the view that social reform need not precede political reform is a view which may stand only when by social reform is meant the reform of the family. That political reform cannot with impunity take precedence over social reform in the sense of reconstruction of society is a thesis which, I am sure, cannot be controverted. That the makers of political constitutions must take account of social forces is a fact which is recognized by no less a person than Ferdinand Lassalle, the friend and co-worker of Karl Marx. In addressing a Prussian audience in 1862 Lassalle said :

“The constitutional questions are in the first instance not questions of right but questions of might. The actual constitution of a country has its existence only in the actual condition of force which exists in the country : hence political constitutions have value and permanence only when they accurately express those conditions of forces which exist in practice within a society.”

But it is not necessary to go to Prussia. There is evidence at home. What is the significance of the Communal Award with its allocation of political power in defined proportions to diverse classes and communities ? In my view, its significance lies in this that political constitution must take note of social organisation. It shows that the politicians who denied that the social problem in India had any bearing on the political problem were forced to reckon with the social problem in devising the constitution. The Communal Award is so to say the nemesis following upon the indifference and neglect of social reform. It is a victory for the Social Reform Party which shows that though defeated they were in the right in insisting upon the importance of social reform. Many, I know, will not accept this finding. The view is current, and it is pleasant to believe in it, that the Communal Award is unnatural and that it is the result of an unholy alliance between the minorities and the bureaucracy. I do not wish to rely on the Communal Award as a piece of evidence to support my contention if it is said that it is not good evidence. Let us turn to Ireland. What does the history of Irish Home Rule show ? It is well-known that in the course of the negotiations between the representatives of Ulster and Southern Ireland, Mr. Redmond, the representative of Ireland, in order to bring Ulster in a Home Rule Constitution

common to the whole of Ireland said to the representatives of Ulster: "Ask any political safeguards you like and you shall have them" What was the reply that Ulstermen gave? Their reply was "Damn your safeguards, we don't want to be ruled by you on any terms." People who blame the minorities in India ought to consider what would have happened to the political aspirations of the majority if the minorities had taken the attitude which Ulster took. Judged by the attitude of Ulster to Irish Home Rule, is it nothing that the minorities agreed to be ruled by the majority which has not shown much sense of statesmanship, provided some safeguards were devised for them? But this is only incidental. The main question is why did Ulster take this attitude? The only answer I can give is that there was a social problem between Ulster and Southern Ireland the problem between Catholics and Protestants, essentially a problem of Caste. That Home Rule in Ireland would be Rome Rule was the way in which the Ulstermen had framed their answer. But that is only another way of stating that it was the social problem of Caste between the Catholics and Protestants, which prevented the solution of the political problem. This evidence again is sure to be challenged. It will be urged that here too the hand of the Imperialist was at work. But my resources are not exhausted. I will give evidence from the History of Rome. Here no one can say that any evil genius was at work. Any one who has studied the History of Rome will know that the Republican Constitution of Rome bore marks having strong resemblance to the Communal Award. When the kingship in Rome was abolished, the Kingly power or the *Imperium* was divided between the Consuls and the Pontifex Maximus. In the Consuls was vested the secular authority of the King, while the latter took over the religious authority of King. This Republican Constitution had provided that, of the two Consuls one was to be Patrician and the other Plebian. The same constitution had also provided that, of the Priests under the Pontifex Maximus, half were to be Plebians and the other half Patricians. Why is it that the Republican Constitution of Rome had these provisions which, as I said, resemble so strongly the provisions of the Communal Award? The only answer one can get is that the Constitution of Republican Rome had to take account of the social division between the Patricians and the Plebians, who formed two distinct castes. To sum up, let political reformers turn to any direction they like, they will find that in the making of a constitution, they cannot ignore the problem arising out of the prevailing social order.

The illustrations which I have taken in support of the proposition that social and religious problems have a bearing on political constitutions seem to be too particular. Perhaps they are. But it should not be supposed that the bearing of the one on the other is limited. On the other hand one can say that generally speaking History bears out the proposition that political revolutions have always been preceded by social and religious revolutions.

The religious Reformation started by Luther was the precursor of the political emancipation of the European people. In England Puritanism led to the establishment of political liberty. Puritanism founded the new world. It was Puritanism which won the war of American Independence and Puritanism was a religious movement. The same is true of the Muslim Empire. Before the Arabs became a political power they had undergone a thorough religious revolution started by the Prophet Mohammad. Even Indian History supports the same conclusion. The political revolution led by Chandragupta was preceded by the religious and social revolution of Buddha. The political revolution led by Shivaji was preceded by the religious and social reform brought about by the saints of Maharashtra. The political revolution of the Sikhs was preceded by the religious and social revolution led by Guru Nanak. It is unnecessary to add more illustrations. These will suffice to show that the emancipation of the mind and the soul is a necessary preliminary for the political expansion of the people.

III

Let me now turn to the Socialists. Can the Socialists ignore the problem arising out of the social order ? The Socialists of India following their fellows in Europe are seeking to apply the economic interpretation of history to the facts of India. They propound that man is an economic creature, that his activities and aspirations are bound by economic facts, that property is the only source of power. They, therefore, preach that political and social reforms are but gigantic illusions and that economic reform by equalization of property must have precedence over every other kind of reform. One may join issue on every one of these premises on which rests the Socialists' case for economic reform having priority over every other kind of reform. One may contend that economic motive is not the only motive by which man is actuated. That economic power is the only kind of power no student of human society can accept. That the social status of an individual by itself often becomes a source of power and authority is made clear by the sway which the Mahatmas have held over the common man. Why do millionaires in India obey penniless Sadhus and Fakirs ? Why do millions of paupers in India sell their trifling trinkets which constitute their only wealth and go to Benares and Mecca ? That, religion is the source of power is illustrated by the history of India where the priest holds a sway over the common man often greater than the magistrate and where everything, even such things as strikes and elections, so easily take a religious turn and can so easily be given a religious twist. Take the case of the Plebians of Rome as a further illustration of the power of religion over man. It throws great light on this point. The Plebs had fought for a share in the supreme executive under the Roman Republic and had secured the appointment of a Plebian Consul elected by a separate electorate constituted by the *Comitia Centuriata*, which was an assembly of Plebians. They wanted a Consul of their own

because they felt that the Patrician Consuls used to discriminate against the Plebians in carrying on the administration. They had apparently obtained a great gain because under the Republican Constitution of Rome one Consul had the power of vetoing an act of the other Consul. But did they in fact gain anything? The answer to this question must be in the negative. The Plebians never could get a Plebian Consul who could be said to be a strong man and who could act independently of the Patrician Consul. In the ordinary course of things the Plebians should have got a strong Plebian Consul in view of the fact that his election was to be by a separate electorate of Plebians. The question is why did they fail in getting a strong Plebian to officiate as their Consul? The answer to this question reveals the dominion which religion exercises over the minds of men. It was an accepted creed of the whole Roman *populus* that no official could enter upon the duties of his office unless the Oracle of Delphi declared that he was acceptable to the Goddess. The priests who were in charge of the temple of the Goddess of Delphi were all Patricians. Whenever therefore the Plebians elected a Consul who was known to be a strong party man opposed to the Patricians or “communal” to use the term that is current in India, the Oracle invariably declared that he was not acceptable to the Goddess. This is how the Plebians were cheated out of their rights. But what is worthy of note is that the Plebians permitted themselves to be thus cheated because they too like the Patricians, held firmly the belief that the approval of the Goddess was a condition precedent to the taking charge by an official of his duties and that election by the people was not enough. If the Plebians had contended that election was enough and that the approval by the Goddess was not necessary they would have derived the fullest benefit from the political right which they had obtained. But they did not. They agreed to elect another, less suitable to themselves but more suitable to the Goddess which in fact meant more amenable to the Patricians. Rather than give up religion, the Plebians give up material gain for which they had fought so hard. Does this not show that religion can be a source of power as great as money if not greater? The fallacy of the Socialists lies in supposing that because in the present stage of European Society property as a source of power is predominant, that the same is true of India or that the same was true of Europe in the past. Religion, social status and property are all sources of power and authority, which one man has, to control the liberty of another. One is predominant at one stage, the other is predominant at another stage. That is the only difference. If liberty is the ideal, if liberty means the destruction of the dominion which one man holds over another then obviously it cannot be insisted upon that economic reform must be the one kind of reform worthy of pursuit. If the source of power and dominion is at any given time or in any given society social and religious then social reform and religious reform must be accepted as the necessary sort of reform.

One can thus attack the doctrine of Economic Interpretation of History adopted by the Socialists of India. But I recognize that economic interpretation of history is not necessary for the validity of the Socialist contention that equalization of property is the only real reform and that it must precede everything else. However, what I like to ask the Socialists is this : Can you have economic reform without first bringing about a reform of the social order ? The Socialists of India do not seem to have considered this question. I do not wish to do them an injustice. I give below a quotation from a letter which a prominent Socialist wrote a few days ago to a friend of mine in which he said, "I do not believe that we can build up a free society in India so long as there is a trace of this ill-treatment and suppression of one class by another. Believing as I do in a socialist ideal, inevitably I believe in perfect equality in the treatment of various classes and groups. I think that Socialism offers the only true remedy for this as well as other problems." Now the question that I like to ask is : Is it enough for a Socialist to say, "I believe in perfect equality in the treatment of the various classes ?" To say that such a belief is enough is to disclose a complete lack of understanding of what is involved in Socialism. If Socialism is a practical programme and is not merely an ideal, distant and far off, the question for a Socialist is not whether he believes in equality. The question for him is whether he *minds* one class ill-treating and suppressing another class as a matter of system, as a matter of principle and thus allow tyranny and oppression to continue to divide one class from another. Let me analyse the factors that are involved in the realization of Socialism in order to explain fully my point. Now it is obvious that the economic reform contemplated by the Socialists cannot come about unless there is a revolution resulting in the seizure of power. That seizure of power must be by a proletariat. The first question I ask is : Will the proletariat of India combine to bring about this revolution ? What will move men to such an action ? It seems to me that other things being equal the only thing that will move one man to take such an action is the feeling that other man with whom he is acting are actuated by feeling of equality and fraternity and above all of justice. Men will not join in a revolution for the equalization of property unless they know that after the revolution is achieved they will be treated equally and that there will be no discrimination of caste and creed. The assurance of a socialist leading the revolution that he does not believe in caste, I am sure, will not suffice. The assurance must be the assurance proceeding from much deeper foundation, namely, the mental attitude of the compatriots towards one another in their spirit of personal equality and fraternity. Can it be said that the proletariat of India, poor as it is, recognise no distinctions except that of the rich and the poor ? Can it be said that the poor in India recognize no such distinctions of caste or creed, high or low ? If the fact is that they do, what unity of front can be expected from such a proletariat in its action against the rich ? How

can there be a revolution if the proletariat cannot present a united front? Suppose for the sake of argument that by some freak of fortune a revolution does take place and the Socialists come in power, will they not have to deal with the problems created by the particular social order prevalent in India? I can't see how a Socialist State in India can function for a second without having to grapple with the problems created by the prejudices which make Indian people observe the distinctions of high and low, clean and unclean. If Socialists are not to be content with the mouthing of fine phrases, if the Socialists wish to make Socialism a definite reality then they must recognize that the problem of social reform is fundamental and that for them there is no escape from it. That, the social order prevalent in India is a matter which a Socialist must deal with, that unless he does so he cannot achieve his revolution and that if he does achieve it as a result of good fortune he will have to grapple with it if he wishes to realize his ideal, is a proposition which in my opinion is incontrovertible. He will be compelled to take account of caste after revolution if he does not take account of it before revolution. This is only another way of saying that, turn in any direction you like, caste is the monster that crosses your path. You cannot have political reform, you cannot have economic reform, unless you kill this monster.

IV

It is a pity that Caste even today has its defenders. The defences are many. It is defended on the ground that the Caste System is but another name for division of labour and if division of labour is a necessary feature of every civilized society then it is argued that there is nothing wrong in the Caste System. Now the first thing is to be urged against this view is that Caste System is not merely division of labour. *It is also a division of labourers.* Civilized society undoubtedly needs division of labour. But in no civilized society is division of labour accompanied by this unnatural division of labourers into water-tight compartments. Caste System is not merely a division of labourers which is quite different from division of labour—it is an heirarchy in which the divisions of labourers are graded one above the other. In no other country is the division of labour accompanied by this gradation of labourers. There is also a third point of criticism against this view of the Caste System. This division of labour is not spontaneous, it is not based on natural aptitudes. Social and individual efficiency requires us to develop the capacity of an individual to the point of competency to choose and to make his own career. This principle is violated in the Caste System in so far as it involves an attempt to appoint tasks to individuals in advance, selected not on the basis of trained original capacities, but on that of the social status of the parents. Looked at from another point of view this stratification of occupations which is the result of the Caste System is positively pernicious. Industry is never static. It undergoes rapid and abrupt changes. With such changes an individual must

be free to change his occupation. Without such freedom to adjust himself to changing circumstances it would be impossible for him to gain his livelihood. Now the Caste System will not allow Hindus to take to occupations where they are wanted if they do not belong to them by heredity. If a Hindu is seen to starve rather than take to new occupations not assigned to his Caste, the reason is to be found in the Caste System. By not permitting readjustment of occupations, caste becomes a direct cause of much of the unemployment we see in the country. As a form of division of labour the Caste system suffers from another serious defect. The division of labour brought about by the Caste System is not a division based on choice. Individual sentiment, individual preference has no place in it. It is based on the dogma of predestination. Considerations of social efficiency would compel us to recognize that the greatest evil in the industrial system is not so much poverty and the suffering that it involves as the fact that so many persons have callings which make no appeal to those who are engaged in them. Such callings constantly provoke one to aversion, ill-will and the desire to evade. There are many occupations in India which on account of the fact that they are regarded as degraded by the Hindus provoke those who are engaged in them to aversion. There is a constant desire to evade and escape from such occupations which arises solely because of the blighting effect which they produce upon those who follow them owing to the slight and stigma cast upon them by the Hindu religion. What efficiency can there be in a system under which neither men's hearts nor their minds are in their work? As an economic organization Caste is therefore a harmful institution, inasmuch as, it involves the subordination of man's natural powers and inclinations to the exigencies of social rules

V

Some have dug a biological trench in defence of the Caste System. It is said that the object of Caste was to preserve purity of race and purity of blood. Now ethnologists are of opinion that men of pure race exist nowhere and that there has been a mixture of all races in all parts of the world. Especially is this the case with the people of India. Mr. D. R. Bhandarkar in his paper on *Foreign Elements in the Hindu Population* has stated that "There is hardly a class, or Caste in India which has not a foreign strain in it. There is an admixture of alien blood not only among the warrior classes—the Rajputs and the Marathas—but also among the Brahmins who are under the happy delusion that they are free from all foreign elements." The Caste system cannot be said to have grown as a means of preventing the admixture of races or as a means of maintaining purity of blood. As a matter of fact Caste system came into being long after the different races of India had commingled in blood and culture. To hold that distinctions of Castes or really distinctions of race and to treat different Castes as though they were so many different races is a gross perversion of facts. What racial affinity

is there between the Brahmin of the Punjab and the Brahmin of Madras ? What racial affinity is there between the untouchable of Bengal and the untouchable of Madras? What racial difference is there between the Brahmin of the Punjab and the Chamar of the Punjab ? What racial difference is there between the Brahmin of Madras and the Pariah of Madras ? The Brahmin of the Punjab is racially of the same stock as the Chamar of the Punjab and the Brahmin of Madras is of the same race as the Pariah of Madras. Caste system does not demarcate racial division. Caste system is a social division of people of the same race. Assuming it, however, to be a case of racial divisions one may ask : What harm could there be if a mixture of races and of blood was permitted to take place in India by intermarriages between different Castes ? Men are no doubt divided from animals by so deep a distinction that science recognizes men and animals as two distinct species. But even scientists who believe in purity of races do not assert that the different races constitute different species of men. They are only varieties of one and the same species. As such they can interbreed and produce an offspring which is capable of breeding and which is not sterile. An immense lot of nonsense is talked about heredity and eugenics in defence of the Caste System. Few would object to the Caste System if it was in accord with the basic principle of eugenics because few can object to the improvement of the race by judicious mating. But one fails to understand how the Caste System secures judicious mating. Caste System is a negative thing. It merely prohibits persons belonging to different Castes from intermarrying. It is not a positive method of selecting which two among a given Caste should marry. If Caste is eugenic in origin then the origin of sub-Castes must also be eugenic. But can any one seriously maintain that the origin of sub-Castes is eugenic ? I think it would be absurd to contend for such a proposition and for a very obvious reason. If Caste means race then differences of sub-Castes cannot mean differences of race because sub-Castes become *ex hypothesia* sub-divisions of one and the same race. Consequently the bar against intermarrying and interdining between sub-Castes cannot be for the purpose of maintaining purity of race or of blood. If sub-Castes cannot be eugenic in origin there cannot be any substance in the contention that Caste is eugenic in origin. Again if Caste is eugenic in origin one can understand the bar against intermarriage. But what is the purpose of the interdict placed on interdining between Castes and sub-Castes alike ? Interdining cannot infect blood and therefore cannot be the cause either of the improvement or of deterioration of the race. This shows that Caste has no scientific origin and that those who are attempting to give it an eugenic basis are trying to support by science what is grossly unscientific. Even today eugenics cannot become a practical possibility unless we have definite knowledge regarding the laws of heredity. Prof. Batcson in his *Mendel's Principles of Heredity* says, "There is nothing in the descent of the higher mental qualities to suggest that they follow any single system of

transmission. It is likely that both they and the more marked developments of physical powers result rather from the coincidence of numerous factors than from the possession of any one genetic element." To argue that the Caste System was eugenic in its conception is to attribute to the forefathers of present-day Hindus a knowledge of heredity which even the modern scientists do not possess. A tree should be judged by the fruits it yields. If caste is eugenic what sort of a race of men it should have produced? Physically speaking the Hindus are a C_3 people. They are a race of Pygmies and dwarfs stunted in stature and wanting in stamina. It is a nation 9/10ths of which is declared to be unfit for military service. This shows that the Caste System does not embody the eugenics of modern scientists. It is a social system which embodies the arrogance and selfishness of a perverse section of the Hindus who were superior enough in social status to set it in fashion and who had authority to force it on their inferiors.

VI

Caste does not result in economic efficiency. Caste cannot and has not improved the race. Caste has however done one thing. It has completely disorganized and demoralized the Hindus.

The first and foremost thing that must be recognized is that Hindu Society is a myth. The name Hindu is itself a foreign name. It was given by the Mohammedans to the natives for the purpose of distinguishing themselves. It does not occur in any Sanskrit work prior to the Mohammedan invasion. They did not feel the necessity of a common name because they had no conception of their having constituted a community. Hindu society as such does not exist. It is only a collection of castes. Each caste is conscious of its existence. Its survival is the be all and end all of its existence. Castes do not even form a federation. A caste has no feeling that it is affiliated to other castes except when there is a Hindu-Muslim riot. On all other occasions each caste endeavours to segregate itself and to distinguish itself from other castes. Each caste not only dines among itself and marries among itself but each caste prescribes its own distinctive dress. What other explanation can there be of the innumerable styles of dress worn by the men and women of India which so amuse the tourists? Indeed the ideal Hindu must be like a rat living in his own hole refusing to have any contact with others. There is an utter lack among the Hindus of what the sociologists call "consciousness of kind". There is no Hindu consciousness of kind. In every Hindu the consciousness that exists is the consciousness of his caste. That is the reason why the Hindus cannot be said to form a society or a nation. There are however many Indians whose patriotism does not permit them to admit that Indians are not a nation, that they are only an amorphous mass of people. They have insisted that underlying the apparent diversity there is a fundamental unity which marks the life of the Hindus in as much as there is a similarity of

habits and customs, beliefs and thoughts which obtain all over the continent of India. Similarity in habits and customs, beliefs and thoughts there is. But one cannot accept the conclusion that therefore, the Hindus constitute a society. To do so is to misunderstand the essentials which go to make up a society. Men do not become a society by living in physical proximity any more than a man ceases to be a member of his society by living so many miles away from other men. Secondly similarity in habits and customs, beliefs and thoughts is not enough to constitute men into society. Things may be passed physically from one to another like bricks. In the same way habits and customs, beliefs and thoughts of one group may be taken over by another group and there may thus appear a similarity between the two. Culture spreads by diffusion and that is why one finds similarity between various primitive tribes in the matter of their habits and customs, beliefs and thoughts, although they do not live in proximity. But no one could say that because there was this similarity the primitive tribes constituted one society. This is because similarity in certain things is not enough to constitute a society. Men constitute a society because they have things which they possess in common. To have similar thing is totally different from possessing things in common. And the only way by which men can come to possess things in common with one another is by being in communication with one another. This is merely another way of saying that Society continues to exist by communication indeed in communication. To make it concrete, it is not enough if men act in a way which agrees with the acts of others. Parallel activity, even if similar, is not sufficient to bind men into a society. This is proved by the fact that the festivals observed by the different Castes amongst the Hindus are the same. Yet these parallel performances of similar festivals by the different castes have not bound them into one integral whole. For that purpose what is necessary is for a man to share and participate in a common activity so that the same emotions are aroused in him that animate the others. Making the individual a sharer or partner in the associated activity so that he feels its success as his success, its failure as his failure is the real thing that binds men and makes a society of them. The Caste System prevents common activity and by preventing common activity it has prevented the Hindus from becoming a society with a unified life and a consciousness of its own being.

VII

The Hindus often complain of the isolation and exclusiveness of a gang or a clique and blame them for anti-social spirit. But they conveniently forget that this anti-social spirit is the worst feature of their own Caste System. One caste enjoys singing a hymn of hate against another caste as much as the Germans did in singing their hymn of hate against the English during the last war. The literature of the Hindus is full of caste genealogies in which

an attempt is made to give a noble origin to one caste and an ignoble origin to other castes. The *Sahyadrikhand* is a notorious instance of this class of literature. This anti-social spirit is not confined to caste alone. It has gone deeper and has poisoned the mutual relations of the sub-castes as well. In my province the Golak Brahmins, Deorukha Brahmins, Karada Brahmins, Palshe Brahmins and Chitpavan Brahmins, all claim to be sub-divisions of the Brahmin Caste. But the anti-social spirit that prevails between them is quite as marked and quite as virulent as the anti-social spirit that prevails between them and other non-Brahmin castes. There is nothing strange in this. An anti-social spirit is found wherever one group has "interests of its own" which shut it out from full interaction with other groups, so that its prevailing purpose is protection of what it has got. This anti-social spirit, this spirit of protecting its own interests is as much a marked feature of the different castes in their isolation from one another as it is of nations in their isolation. The Brahmin's primary concern is to protect "his interest" against those of the non-Brahmins and the non-Brahmin's primary concern is to protect their interests against those of the Brahmins. The Hindus, therefore, are not merely an assortment of castes but they are so many warring groups each living for itself and for its selfish ideal. There is another feature of caste which is deplorable. The ancestors of the present-day English fought on one side or the other in the wars of the Roses and the Cromwellian War. But the decedents of those who fought on the one side do not bear any animosity—any grudge against the decedents of those who fought on the other side. The feud is forgotten. But the present-day non-Brahmins cannot forgive the present-day Brahmins for the insult their ancestors gave to Shivaji. The present-day Kayasthas will not forgive the present-day Brahmins for the infamy cast upon their forefathers by the forefathers of the latter. To what is this difference due ? Obviously to the Caste System. The existence of Caste and Caste Consciousness has served to keep the memory of past feuds between castes green and has prevented solidarity.

VIII

The recent discussion about the excluded and partially included areas has served to draw attention to the position of what are called the aboriginal tribes in India. They number about 13 millions if not more. Apart from the questions whether their exclusion from the new Constitution is proper or improper, the fact still remains that these aborigines have remained in their primitive uncivilized State in a land which boasts of a civilization thousands of years old. Not only are they not civilized but some of them follow pursuits which have led to their being classified as criminals. Thirteen millions of people living in the midst of civilization are still in a savage state and are leading the life of hereditary criminals ! ! But the Hindus have never felt ashamed of it. This is a phenomenon which in my view is quite unparalleled.

What is the cause of this shameful state of affairs ? Why has no attempt been made to civilize these aborigines and to lead them to take to a more honourable way of making a living ? The Hindus will probably seek to account for this savage state of the aborigines by attributing to them congenital stupidity. They will probably not admit that the aborigines have remained savages because they had made no effort to civilize them, to give them medical aid, to reform them, to make them good citizens. But supposing a Hindu wished to do what the Christian missionary is doing for these aborigines, could he have done it ? I submit not. Civilizing the aborigines means adopting them as your own, living in their midst, and cultivating fellow-feeling, in short loving them. How is it possible for a Hindu to do this ? His whole life is one anxious effort to preserve his caste. Caste is his precious possession which he must save at any cost. He cannot consent to lose it by establishing contact with the aborigines the remnants of the hateful Anaryas of the *Vedic* days. Not that a Hindu could not be taught the sense of duty to fallen humanity, but the trouble is that no amount of sense of duty can enable him to overcome his duty to preserve his caste. Caste is, therefore, the real explanation as to why the Hindu has let the savage remain a savage in the midst of his civilization without blushing or without feeling any sense of remorse or repentance. The Hindu has not realized that these aborigines are a source of potential danger. If these savages remain savages they may not do any harm to the Hindus. But if they are reclaimed by non-Hindus and converted to their faiths they will swell the ranks of the enemies of the Hindus. If this happens the Hindu will have to thank himself and his Caste System.

IX

Not only has the Hindu made no effort for the humanitarian cause of civilizing the savages but the higher-caste Hindus have deliberately prevented the lower castes who are within the pale of Hinduism from rising to the cultural level of the higher castes. I will give two instances, one of the Sonars and the other of the Pathare Prabhus. Both are communities quite well-known in Maharashtra. Like the rest of the communities desiring to raise their status these two communities were at one time endeavouring to adopt some of the ways and habits of the Brahmins. The Sonars were styling themselves Daivadnya Brahmins and were wearing their “dhotis” with folds on and using the word *namaskar* for salutation. Both, the folded way of wearing the “dhoti” and the *namaskar* were special to the Brahmins. The Brahmins did not like this imitation and this attempt by Sonars to pass off as Brahmins. Under the authority of the Peshwas the Brahmins successfully put down this attempt on the part of the Sonars to adopt the ways of the Brahmins. They even got the President of the Councils of the East India Company’s settlement in Bombay to issue a prohibitory order against the Sonars residing in Bombay. At one time the Pathare Prabhus had widow-remarriage as a custom of their

caste. This custom of widow-remarriage was later on looked upon as a mark of social inferiority by some members of the caste especially because it was contrary to the custom prevalent among the Brahmins. With the object of raising the status of their community some Pathare Prabhus sought to stop this practice of widow-remarriage that was prevalent in their caste. The community was divided into two camps, one for and the other against the innovation. The Peshwas took the side of those in favour of widow-remarriage and thus virtually prohibited the Pathare Prabhus from following the ways of the Brahmins. The Hindus criticise the Mohammedans for having spread their religion by the use of the sword. They also ridicule Christianity on the score of the inquisition. But really speaking who is better and more worthy of our respect—the Mohammedans and Christians who attempted to thrust down the throats of unwilling persons what they regarded as necessary for their salvation or the Hindu who would not spread the light, who would endeavour to keep others in darkness, who would not consent to share his intellectual and social inheritance with those who are ready and willing to make it a part of their own make-up ? I have no hesitation in saying that if the Mohammedan has been cruel the Hindu has been mean and meanness is worse than cruelty.

X

Whether the Hindu religion was or was not a missionary religion has been a controversial issue. Some hold the view that it was never a missionary religion. Others hold that it was. That the Hindu religion was once a missionary religion must be admitted. It could not have spread over the face of India, if it was not a missionary religion. That today it is not a missionary religion is also a fact which must be accepted. The question therefore is not whether or not the Hindu religion was a missionary religion. The real question is why did the Hindu religion cease to be a missionary religion ? My answer is this. Hindu religion ceased to be a missionary religion when the Caste System grew up among the Hindus. Caste is inconsistent with conversion. Inculcation of beliefs and dogmas is not the only problem that is involved in conversion. To find a place for the convert in the social life of the community is another and a much more important problem that arises in connection with conversion. That problem is where to place the convert, in what caste ? It is a problem which must baffle every Hindu wishing to make aliens converts to his religion. Unlike the club the membership of a caste is not open to all and sundry. The law of caste confines its membership to person born in the caste. Castes are autonomous and there is no authority anywhere to compel a caste to admit a new-comer to its social life. Hindu Society being a collection of castes and each caste being a close corporation there is no place for a convert. Thus it is the caste which has prevented the Hindus from expanding and from absorbing other religious communities. So long as caste

remain, Hindu religion cannot be made a missionary religion and *Shudhi* will be both a folly and a futility.

XI

The reasons which have made *Shudhi* impossible for Hindus are also responsible for making *Sanghatan* impossible. The idea underlying *Sanghatan* is to remove from the mind of the Hindu that timidity and cowardice which so painfully make him off from the Mohammedan and the Sikh and which have led him to adopt the low ways of treachery and cunning for protecting himself. The question naturally arises: From where does the Sikh or the Mohammedan derive his strength which makes him brave and fearless? I am sure it is not due to relative superiority of physical strength, diet or drill. It is due to the strength arising out of the feeling that all Sikhs will come to the rescue of a Sikh when he is in danger and that all Mohammedans will rush to save a Muslim if he is attacked. The Hindu can derive no such strength. He cannot feel assured that his fellows will come to his help. Being one and fated to be alone he remains powerless, develops timidity and cowardice and in a fight surrenders or runs away. The Sikh as well as the Muslim stands fearless and gives battle because he knows that though one he will not be alone. The presence of this belief in the one helps him to hold out and the absence of it in the other makes him to give way. If you pursue this matter further and ask what is it that enables the Sikh and the Mohammedan to feel so assured and why is the Hindu filled with such despair in the matter of help and assistance you will find that the reasons for this difference lie in the difference in their associated mode of living. The associated mode of life practised by the Sikhs and the Mohammedans produces fellow-feeling. The associated mode of life of the Hindus does not. Among Sikhs and Muslims there is a social cement which makes them *Bhais*. Among Hindus there is no such cement and one Hindu does not regard another Hindu as his *Bhai*. This explains why a Sikh says and feels that one Sikh, or one Khalsa is equal to *Sava Lakh* men. This explains why one Mohammedan is equal to a crowd of Hindus. This difference is undoubtedly a difference due to caste. So long as caste remains, there will be no *Sanghatan* and so long as there is no *Sanghatan* the Hindu will remain weak and meek. The Hindus claim to be a very tolerant people. In my opinion this is a mistake. On many occasions they can be intolerant and if on some occasions they are tolerant that is because they are too weak to oppose or too indifferent to oppose. This indifference of the Hindus has become so much a part of their nature that a Hindu will quite meekly tolerate an insult as well as a wrong. You see amongst them, to use the words of Morris, "*The great reading down the little, the strong heating down the weak, cruel men fearing not, kind men daring not and wise men caring not.*" With the Hindu Gods all forbearing, it is not difficult to imagine the pitiable condition of the wronged and the

oppressed among the Hindus. Indifferentism is the worst kind of disease that can infect a people. Why is the Hindu so indifferent? In my opinion this indifferentism is the result of Caste System which has made *Sanghatan* and co-operation even for a good cause impossible.

XII

The assertion by the individual of his own opinions and beliefs, his own independence and interest as over against group standards, group authority and group interests is the beginning of all reform. But whether the reform will continue depends upon what scope the group affords for such individual assertion. If the group is tolerant and fair-minded in dealing with such individuals they will continue to assert and in the end succeed in converting their fellows. On the other hand if the group is intolerant and does not bother about the means it adopts to stifle such individuals they will perish and the reform will die out. Now a caste has an unquestioned right to excommunicate any man who is guilty of breaking the rules of the caste and when it is realized that excommunication involves a complete cesser of social intercourse it will be agreed that as a form of punishment there is really little to choose between excommunication and death. No wonder individual Hindus have not had the courage to assert their independence by breaking the barriers of caste. It is true that man cannot get on with his fellows. But it is also true that he cannot do without them. He would like to have the society of his fellows on his terms. If he cannot get it on his terms then he will be ready to have it on any terms even amounting to complete surrender. This is because he cannot do without society. A caste is ever ready to take advantage of the helplessness of a man and insist upon complete conformity to its code in letter and in spirit. A caste can easily organize itself into a conspiracy to make the life of a reformer a hell and if a conspiracy is a crime I do not understand why such a nefarious act as an attempt to excommunicate a person for daring to act contrary to the rules of caste should not be made an offence punishable in law. But as it is, even law gives each caste an autonomy to regulate its membership and punish dissenters with excommunication. Caste in the hands of the orthodox has been a powerful weapon for persecuting the reforms and for killing all reform.

XIII

The effect of caste on the ethics of the Hindus is simply deplorable. Caste has killed public spirit. Caste has destroyed the sense of public charity. Caste has made public opinion impossible. A Hindu's public is his caste. His responsibility is only to his caste. His loyalty is restricted only to his caste. Virtue has become caste-ridden and morality has become caste-bound. There is no sympathy to the deserving. There is no appreciation of the meritorious. There is no charity to the needy. Suffering as such calls for no response. There is charity but it begins with the caste and ends with the caste. There

is sympathy but not for men of other caste. Would a Hindu acknowledge and follow the leadership of a great and good man? The case of a Mahatma apart, the answer must be that he will follow a leader if he is a man of his caste. A Brahmin will follow a leader only if he is a Brahmin, a Kayastha if he is a Kayastha and so on. The capacity to appreciate merits in a man apart from his caste does not exist in a Hindu. There is appreciation of virtue but only when the man is a fellow caste-man. The whole morality is as bad as tribal morality. My caste-man, right or wrong; my caste-man, good or bad. It is not a case of standing by virtue and not standing by vice. It is a case of standing or not standing by the caste. Have not Hindus committed treason against their country in the interests of their caste ?

XIV

I would not be surprised if some of you have grown weary listening to this tiresome tale of the sad effects which caste has produced. There is nothing new in it. I will therefore turn to the constructive side of the problem. What is your ideal society if you do not want caste is a question that is bound to be asked of you. If you ask me, my ideal would be a society based on *Liberty*, *Equality* and *Fraternity*. And why not ? What objection can there be to Fraternity ? I cannot imagine any. An ideal society should be mobile, should be full of channels for conveying a change taking place in one part to other parts. In an ideal society there should be many interests consciously communicated and shared. There should be varied and free points of contact with other modes of association. In other words there must be social endosmosis. This is fraternity, which is only another name for democracy. Democracy is not merely a form of Government. It is primarily a mode of associated living, of conjoint communicated experience. It is essentially an attitude of respect and reverence towards fellowmen. Any objection to Liberty ? Few object to liberty in the sense of a right to free movement, in the sense of a right to life and limb. There is no objection to liberty in the sense of a right to property, tools and materials as being necessary for earning a living to keep the body in due state of health. Why not allow liberty to benefit by an effective and competent use of a person's powers ? The supporters of caste who would allow liberty in the sense of a right to life, limb and property, would not readily consent to liberty in this sense, inasmuch as it involves liberty to choose one's profession. But to object to this kind of liberty is to perpetuate slavery. For slavery does not merely mean a legalized form of subjection. It means a state of society in which some men are forced to accept from other the purposes which control their conduct. This condition obtains even where there is no slavery in the legal sense. It is found where, as in the Caste System, some persons are compelled to carry on certain prescribed callings which are not of their choice. Any objection to equality ? This has obviously been the most contentious part of the slogan of the French

Revolution. The objections to equality may be sound and one may have to admit that all men are not equal. But what of that? Equality may be a fiction but nonetheless one must accept it as the governing principle. A man's power is dependent upon (1) physical heredity, (2) social inheritance or endowment in the form of parental care, education, accumulation of scientific knowledge, everything which enables him to be more efficient than the savage, and finally, (3) on his own efforts. In all these three respects men are undoubtedly unequal. But the question is, shall we treat them as unequal because they are unequal? This is a question which the opponents of equality must answer. From the standpoint of the individualist it may be just to treat men unequally so far as their efforts are unequal. It may be desirable to give as much incentive as possible to the full development of every one's powers. But what would happen if men were treated unequally as they are, in the first two respects? It is obvious that those individuals also in whose favour there is birth, education, family name, business connections and inherited wealth would be selected in the race. But selection under such circumstances would not be a selection of the able. It would be the selection of the privileged. The reason therefore, which forces that in the third respect we should treat men unequally demands that in the first two respects we should treat men as equally as possible. On the other hand it can be urged that if it is good for the social body to get the most out of its members, it can get most out of them only by making them equal as far as possible at the very start of the race. That is one reason why we cannot escape equality. But there is another reason why we must accept equality. A Statesman is concerned with vast numbers of people. He has neither the time nor the knowledge to draw fine distinctions and to treat each equitably *i.e.* according to need or according to capacity. However desirable or reasonable an equitable treatment of men may be, humanity is not capable of assortment and classification. The statesman, therefore, must follow some rough and ready rule and that rough and ready rule is to treat all men alike not because they are alike but because classification and assortment is impossible. The doctrine of equality is glaringly fallacious but taking all in all it is the only way a statesman can proceed in politics which is a severely practical affair and which demands a severely practical test.

XV

But there is a set of reformers who hold out a different ideal. They go by the name of the Arya Samajists and their ideal of social organization is what is called Chaturvarnya or the division of society into four classes instead of the four thousand castes that we have in India. To make it more attractive and to disarm opposition the protagonists of Chaturvarnya take great care to point out that their Chaturvarnya is based not on birth but on *guna* (worth). At the outset, I must confess that notwithstanding the worth-basis of this

Chaturvarnya, it is an ideal to which I cannot reconcile myself. In the first place, if under the Chaturvarnya of the Arya Samajists an individual is to take his place in the Hindu Society according to his worth. I do not understand why the Arya Samajists insist upon labelling men as Brahmin, Kshatriya, Vaishya and Shudra. A learned man would be honoured without his being labelled a Brahmin. A soldier would be respected without his being designated a Kshatriya. If European society honours its soldiers and its servants without giving them permanent labels, why should Hindu Society find it difficult to do so is a question, which Arya Samajists have not cared to consider. There is another objection to the continuance of these labels. All reform consists in a change in the notions, sentiment and mental attitudes of the people towards men and things. It is common experience that certain names become associated with certain notions and sentiments, which determine a person's attitude towards men and things. The names, Brahmin, Kshatriya, Vaishya and Shudra, are names which are associated with a definite and fixed notion in the mind of every Hindu. That notion is that of a hierarchy based on birth. So long as these names continue, Hindus will continue to think of the Brahmin, Kshatriya, Vaishya and Shudra as hierarchical divisions of high and low, based on birth, and act accordingly. The Hindu must be made to unlearn all this. But how can this happen if the old labels remain and continue to recall to his mind old notions. If new notions are to be inculcated in the minds of people it is necessary to give them new names. To continue the old name is to make the reform futile. To allow this Chaturvarnya, based on worth to be designated by such stinking labels of Brahmin, Kshatriya, Vaishya, Shudra, indicative of social divisions based on birth, is a snare.

XVI

To me this Chaturvarnya with its old labels is utterly repellent and my whole being rebels against it. But I do not wish to rest my objection to Chaturvarnya on mere grounds of sentiments. There are more solid grounds on which I rely for my opposition to it. A close examination of this ideal has convinced me that as a system of social organization, Chaturvarnya is impracticable, harmful and has turned out to be a miserable failure. From a practical point of view, the system of Chaturvarnya raises several difficulties which its protagonists do not seem to have taken into account. The principle underlying caste is fundamentally different from the principle underlying *Varna*. Not only are they fundamentally different but they are also fundamentally opposed. The former is based on worth. How are you going to compel people who have acquired a higher status based on birth without reference to their worth to vacate that status? How are you going to compel people to recognize the status due to a man in accordance with his worth, who is occupying a lower status based on his birth? For this you must first break up the Caste System, in order to be able to establish the *Varna* system. How are you going

to reduce the four thousand castes, based on birth, to the four *Varnas*, based on worth? This is the first difficulty which the protagonists of the Chaturvarnya must grapple with. There is a second difficulty which the protagonists of Chaturvarnya must grapple with, if they wish to make the establishment of Chaturvarnya a success.

Chaturvarnya pre-supposes that you can classify people into four definite classes. Is this possible? In this respect, the ideal of Chaturvarnya has, as you will see, a close affinity to the Platonic ideal. To Plato, men fell by nature into three classes. In some individuals, he believed mere appetites dominated. He assigned them to the labouring and trading classes. Others revealed to him that over and above appetites, they have a courageous disposition. He classed them as defenders in war and guardians of internal peace. Others showed a capacity to grasp the universal reason underlying things. He made them the law-givers of the people. The criticism to which Plato's Republic is subject, is also the criticism which must apply to the system of Chaturvarnya, in so far as it proceeds upon the possibility of an accurate classification of men into four distinct classes. The chief criticism against Plato is that his idea of lumping of individuals into a few sharply marked-off classes is a very superficial view of man and his powers. Plato had no perception of the uniqueness of every individual, of his incommensurability with others, of each individual forming a class of his own. He had no recognition of the infinite diversity of active tendencies and combination of tendencies of which an individual is capable. To him, there were types of faculties or powers in the individual constitution. All this is demonstrably wrong. Modern science has shown that lumping together of individuals into a few sharply marked-off classes is a superficial view of man not worthy of serious consideration. Consequently, the utilization of the qualities of individuals is incompitable with their startification by classes, since the qualities of individuals are so variable. Chaturvarnya must fail for the very reason for which Plato's Republic must fail, namely that it is not possible to pigeon men into holes, according as he belongs to one class or the other. That it is impossible to accurately classify people into four definite classes is proved by the fact that the original four classes have now become four thousand castes.

There is a third difficulty in the way of the establishment of the system of Chaturvarnya. How are you going to maintain the system of Chaturvarnya, supposing it was established? One important requirement for the successful working of Chaturvarnya is the maintenance of the penal system which could maintain it by its sanction. The system of Chaturvarnya must perpetually face the problem of the transgressor. Unless there is a penalty attached to the act of transgression, men will not keep to their respective classes. The whole system will break down, being contrary to human nature. Chaturvarnya cannot subsist by its own inherent goodness. It must be enforced by law.

That, without penal sanction the ideal of Chaturvarnya cannot be realized, is proved by the story in the Ramayana of Rama killing Shambuka. Some people seem to blame Rama because he want only and without reason killed Shambuka. But to blame Rama for killing Shambuka is to misunderstand the whole situation. Ram Raj was a Raj based on Chaturvarnya. As a king, Rama was bound to maintain Chaturvarnya. It was his duty therefore to kill Shambuka, the Shudra, who had transgressed his class and wanted to be a Brahmin. This is the reason why Rama killed Shambuka. But this also shows that penal sanction is necessary for the maintenance of Chaturvarnya. Not only penal sanction is necessary, but penalty of death is necessary. That is why Rama did not inflict on Shambuka a lesser punishment. That is why Manu-Smriti prescribes such heavy sentences as cutting off the tongue or pouring of molten lead in the ears of the Shudra, who recites or hears the *Veda*. The supporters of Chaturvarnya must give an assurance that they could successfully classify men and they could induce modern society in the twentieth century to reforge the penal sanctions of Manu-Smriti.

The protagonists of Chaturvarnya do not seem to have considered what is to happen to women in their system. Are they also to be divided into four classes, Brahmin, Kshatriya, Vaishya and Shudra? Or are they to be allowed to take the status of their husbands. If the status of the woman is to be the consequence of marriage what becomes of the underlying principle of Chaturvarnya, namely, that the status of a person should be based upon the worth of that person? If they are to be classified according to their worth is their classification to be nominal or real? If it is to be nominal then it is useless and then the protagonists of Chaturvarnya must admit that their system does not apply to women. If it is real, are the protagonists of Chaturvarnya prepared to follow the logical consequences of applying it to women? They must be prepared to have women priests and women soldiers. Hindu society has grown accustomed to women teachers and women barristers. It may grow accustomed to women brewers and women butchers. But he would be a bold person, who would say that it will allow women priests and women soldiers. But that will be the logical outcome of applying Chaturvarnya to women. Given these difficulties, I think no one except a congenital idiot could hope and believe in a successful regeneration of the Chaturvarnya.

XVII

Assuming that Chaturvarnya is practicable, I contend that it is the most vicious system. That the Brahmins should cultivate knowledge, that the Kshatriya should bear arms, that the Vaishya should trade and that the Shudra should serve sounds as though it was a system of division of labour. Whether the theory was intended to state that the Shudra *need not* or that whether it was intended to lay down that he *must not*, is an interesting question. The defenders of Chaturvarnya give it the first meaning. They say,

why should the Shudra need trouble to acquire wealth, when the three *Varnas* are there to support him? Why need the Shudra bother to take to education, when there is the Brahmin to whom he can go when the occasion for reading or writing arises? Why need the Shudra worry to arm himself because there is the Kshatriya to protect him? The theory of Chaturvarnya, understood in this sense, may be said to look upon the Shudra as the ward and the three *Varnas* as his guardians. Thus interpreted, it is a simple, elevating and alluring theory. Assuming this to be the correct view of the underlying conception of Chaturvarnya, it seems to me that the system is neither fool-proof nor knave-proof. What is to happen, if the Brahmins, Vaishyas and Kshatriyas fail to pursue knowledge, to engage in economic enterprise and to be efficient soldiers which are their respective functions? Contrary-wise, suppose that they discharge their functions but flout their duty to the Shudra or to one another, what is to happen to the Shudra if the three classes refuse to support him on fair terms or combine to keep him down? Who is to safeguard the interests of the Shudra or for the matter of that of the Vaishya and Kshatriya when the person, who is trying to take advantage of his ignorance is the Brahmin? Who is to defend the liberty of the Shudra and for the matter of that, of the Brahmin and the Vaishya when the person who is robbing him of it is the Kshatriya? Inter-dependence of one class on another class is inevitable. Even dependence of one class upon another may sometimes become allowable. But why make one person depend upon another in the matter of his vital needs? Education everyone must have. Means of defence everyone must have. These are the paramount requirements of every man for his self-preservation. How can the fact that his neighbour is educated and armed help a man who is uneducated and disarmed. The whole theory is absurd. These are the questions, which the defenders of Chaturvarnya do not seem to be troubled about. But they are very pertinent questions. Assuming their conception of Chaturvarnya that the relationship between the different classes is that of ward and guardian is the real conception underlying Chaturvarnya, it must be admitted that it makes no provision to safeguard the interests of the ward from the misdeeds of the guardian. Whether the relationship of guardian and ward was the real underlying conception, on which Chaturvarnya was based, there is no doubt that in practice the relation was that of master and servants. The three classes, Brahmins, Kshatriyas and Vaishyas although not very happy in their mutual relationship managed to work by compromise. The Brahmin flattered the Kshatriya and both let the Vaishya live in order to be able to live upon him. But the three agreed to beat down the Shudra. He was not allowed to acquire wealth lest he should be independent of the three *Varnas*. He was prohibited from acquiring knowledge lest he should keep a steady vigil regarding his interests. He was prohibited from bearing arms lest he should have the means to rebel against their authority. That this is how the Shudras were treated by the Tryavarnikas is evidenced by the Laws

of Manu. There is no code of laws more famous regarding social rights than the Laws of Manu. Any instance from anywhere of social injustice must pale before it. Why have the mass of people tolerated the social evils to which they have been subjected? There have been social revolutions in other countries of the world. Why have there not been social revolutions in India, is a question which has incessantly troubled me. There is only one answer, which I can give and it is that the lower classes of Hindus have been completely disabled for direct action on account of this wretched system of Chaturvarnya. They could not bear arms and without arms they could not rebel. They were all ploughmen or rather condemned to be ploughmen and they never were allowed to convert their ploughshare into swords. They had no bayonets and therefore everyone who chose could and did sit upon them. On account of the Chaturvarnya, they could receive no education. They could not think out or know the way to their salvation. They were condemned to be lowly and not knowing the way of escape and not having the means of escape, they became reconciled to eternal servitude, which they accepted as their inescapable fate. It is true that even in Europe the strong has not shrunk from the exploitation, nay the spoliation of the weak. But in Europe, the strong have never contrived to make the weak helpless against exploitation so shamelessly as was the case in India among the Hindus. Social war has been raging between the strong and the weak far more violently in Europe than it has ever been in India. Yet, the weak in Europe has had in his freedom of military service his *physical weapon*, in suffering his *political weapon* and in education his *moral weapon*. These three weapons for emancipation were never withheld by the strong from the weak in Europe. All these weapons were, however, denied to the masses in India by Chaturvarnya. There cannot be a more degrading system of social organization than the Chaturvarnya. It is the system which deadens, paralyses and cripples the people from helpful activity. This is no exaggeration. History bears ample evidence. There is only one period in Indian history which is a period of freedom, greatness and glory. That is the period of the Mourya Empire. At all other times the country suffered from defeat and darkness. But the Mourya period was a period when Chaturvarnya was completely annihilated, when the Shudras, who constituted the mass of the people, came into their own and became the rulers of the country. The period of defeat and darkness is the period when Chaturvarnya flourished to the damnation of the greater part of the people of the country.

XVIII

Chaturvarnya is not new. It is as old as the *Vedas*. That is one of the reasons why we are asked by the Arya Samajists to consider its claims. Judging from the past as a system of social organization, it has been tried and it has failed. How many times have the Brahmins annihilated the seed

of the Kshatriyas ! How many times have the Kshatriyas annihilated the Brahmins! The Mahabharata and the Puranas are full of incidents of the strife between the Brahmins and the Kshatriyas. They even quarreled over such petty questions as to who should salute first, as to who should give way first, the Brahmins or the Kshatriyas, when the two met in the street. Not only was the Brahmin an eyesore to the Kshatriya and the Kshatriya an eyesore to the Brahmin, it seems that the Kshatriyas had become tyrannical and the masses, disarmed as they were under the system of Chaturvarnya, were praying Almighty God for relief from their tyranny. The Bhagwat tells us very definitely that Krishna had taken Avtar for one sacred purpose and that was to annihilate the Kshatriyas. With these instances of rivalry and enmity between the different *Varnas* before us, I do not understand how any one can hold out Chaturvarnya as an ideal to be aimed at or as a pattern, on which the Hindu Society should be remodelled,

XIX

I have dealt with those, who are without you and whose hostility to your ideal is quite open. There appear to be others, who are neither without you nor with you. I was hesitating whether I should deal with their point of view. But on further consideration I have come to the conclusion that I must and that for two reasons. Firstly, their attitude to the problem of caste is not merely an attitude of neutrality, but is an attitude of armed neutrality. Secondly, they probably represent a considerable body of people. Of these, there is one set which finds nothing peculiar nor odious in the Caste System of the Hindus. Such Hindus cite the case of Muslims, Sikhs and Christians and find comfort in the fact that they too have castes amongst them. In considering, this question you must at the outset bear in mind that nowhere is human society one single whole. It is always plural. In the world of action, the individual is one limit and society the other. Between them lie all sorts of associative arrangements of lesser and larger scope, families, friendship, co-operative associations, business combines, political parties, bands of thieves and robbers. These small groups are usually firmly welded together and are often as exclusive as castes. They have a narrow and intensive code, which is often anti-social. This is true of every society, in Europe as well as in Asia. The question to be asked in determining whether a given society is an ideal society; is not whether there are groups in it, because groups exist in all societies. The questions to be asked in determining what is an ideal society are : How numerous and varied are the interests which are consciously shared by the groups ? How full and free is the interplay with other forms of associations ? Are the forces that separate groups and classes more numerous than the forces that unite ? What social significance is attached to this group life ? Is its exclusiveness a matter of custom and convenience or is it a matter of religion ? It is in the light of these questions that one must

decide whether caste among Non-Hindus is the same as caste among Hindus. If we apply these considerations to castes among Mohammedans, Sikhs and Christians on the one hand and to castes among Hindus on the other, you will find that caste among Non-Hindus is fundamentally different from caste among Hindus. First, the ties, which consciously make the Hindus hold together, are non-existent, while among Non-Hindus there are many that hold them together. The strength of a society depends upon the presence of points of contact, possibilities of interaction between different groups which exist in it. These are what Carlyle calls "organic filaments" *i.e.* the elastic threads which help to bring the disintegrating elements together and to reunite them. There is no integrating force among the Hindus to counteract the disintegration caused by caste. While among the Non-Hindus there are plenty of these organic filaments which bind them together. Again it must be borne in mind that although there are castes among Non-Hindus, as there are among Hindus, caste has not the same social significance for Non-Hindus as it has for Hindus. Ask Mohammedan or a Sikh, who he is? He tells you that he is a Mohammedan or a Sikh as the case may be. He does not tell you his caste although he has one and you are satisfied with his answer. When he tells you that he is a Muslim, you do not proceed to ask him whether he is a Shiya or a Sunni; Sheikh or Saiyad; Khatik or Pinjari. When he tells you he is a Sikh, you do not ask him whether he is Jat or Roda; Mazbi or Ramdasi. But you are not satisfied, if a person tells you that he is a Hindu. You feel bound to inquire into his caste. Why? Because so essential is caste in the case of a Hindu that without knowing it you do not feel sure what sort of a being he is. That caste has not the same social significance among Non-Hindus as it has among Hindus is clear if you take into consideration the consequences which follow breach of caste. There may be castes among Sikhs and Mohammedans but the Sikhs and the Mohammedans will not outcast a Sikh or a Mohammedan if he broke his caste. Indeed, the very idea of excommunication is foreign to the Sikhs and the Mohammedans. But with the Hindus the case is entirely different. He is sure to be outcasted if he broke caste. This shows the difference in the social significance of caste to Hindus and Non-Hindus. This is the second point of difference. But there is also a third and a more important one. Caste among the non-Hindus has no religious consecration; but among the Hindus most decidedly it has. Among the Non-Hindus, caste is only a practice, not a sacred institution. They, did not originate it. With them it is only a survival. They do not regard caste as a religious dogma. Religion compels the Hindus to treat isolation and segregation of castes as a virtue. Religion does not compel the Non-Hindus to take the same attitude towards caste. If Hindus wish to break caste, their religion will come in their way. But it will not be so in the case of Non-Hindus. It is, therefore, a dangerous delusion to take comfort in the mere existence of caste among Non-Hindus, without caring to know what place caste occupies in their life and whether there are other

“organic filaments”, which subordinate the feeling of caste to the feeling of community. The sooner the Hindus are cured of this delusion the better.

The other set denies that caste presents any problem at all for the Hindus to consider. Such Hindus seek comfort in the view that the Hindus have survived and take this as a proof of their fitness to survive. This point of view is well expressed by Prof. S. Radhakrishnan in his *Hindu view of Life*. Referring to Hinduism he says, “The civilization itself has not been a shortlived one. Its historic records date back for over four thousand years and even then it had reached a stage of civilization which has continued its unbroken, though at times slow and static, course until the present day. It has stood the stress and strain of more than four or five millenniums of spiritual thought and experience. Though peoples of different races and cultures have been pouring into India from the dawn of History, Hinduism has been able to maintain its supremacy and even the proselytising creeds backed by political power have not been able to coerce the large majority of Hindus to their views. The Hindu culture possesses some vitality which seems to be denied to some other more forceful currents. It is no more necessary to dissect Hinduism than to open a tree to see whether the sap still runs.” The name of Prof. Radhakrishnan is big enough to invest with profundity whatever he says and impress the minds of his readers. But I must not hesitate to speak out my mind. For, I fear that, his statement may become the basis of a vicious argument that the fact of survival is proof of fitness to survive. It seems to me that the question is not whether a community lives or dies ; the question is on what plane does it live. There are different modes of survival. But all are not equally honourable. For an individual as well as for a society, there is a gulf between merely living and living worthily. To fight in a battle and to live in glory is one mode. To beat a retreat, to surrender and to live the life of a captive is also a mode of survival. It is useless for a Hindu to take comfort in the fact that he and his people have survived. What he must consider is what is the quality of their survival. If he does that, I am sure he will cease to take pride in the mere fact of survival. A Hindu’s life has been a life of continuous defeat and what appears to him to be life everlasting is not living everlastingly but is really a life which is perishing everlastingly. It is a mode of survival of which every right-minded Hindu, who is not afraid to own up the truth, will feel ashamed.

XX

There is no doubt, in my opinion, that unless you change your social order you can achieve little by way of progress. You cannot mobilize the community either for defence or for offence. You cannot build anything on the foundations of caste. You cannot build up a nation, you cannot build up a morality. Anything that you will build on the foundations of caste will crack and will never be a whole.

The only question that remains to be considered is—*How to bring about the reform of the Hindu social order? How to abolish caste?* This is a question of supreme importance. There is a view that in the reform of caste, the first step to take, is to abolish sub-castes. This view is based upon the supposition that there is a greater similarity in manners and status between sub-castes than there is between castes. I think, this is an erroneous supposition. The Brahmins of Northern and Central India are socially of lower grade, as compared with the Brahmins of the Deccan and Southern India. The former are only cooks and water-carriers while the latter occupy a high social position. On the other hand, in Northern India, the Vaishyas and Kayasthas are intellectually and socially on a par with the Brahmins of the Deccan and Southern India. Again, in the matter of food there is no similarity between the Brahmins of the Deccan and Southern India, who are vegetarians and the Brahmins of Kashmir and Bengal who are non-vegetarians. On the other hand, the Brahmins of the Deccan and Southern India have more in common so far as food is concerned with such non-Brahmins as the Gujaratis, Marwaris, Banias and Jains. There is no doubt that from the standpoint of making the transit from one caste to another easy, the fusion of the Kayasthas of Northern India and the other Non-Brahmins of Southern India with the Non-Brahmins of the Deccan and the Dravid country is more practicable than the fusion of the Brahmins of the South with the Brahmins of the North. But assuming that the fusion of sub-Castes is possible, what guarantee is there that the abolition of sub-Castes will necessarily lead to the abolition of Castes? On the contrary, it may happen that the process may stop with the abolition of sub-Castes. In that case, the abolition of sub-Castes will only help to strengthen the Castes and make them more powerful and therefore more mischievous. This remedy is therefore neither practicable nor effective and may easily prove to be a wrong remedy. Another plan of action for the abolition of Caste is to begin with inter-caste dinners. This also, in my opinion, is an inadequate remedy. There are many Castes which allow inter-dining. But it is a common experience that inter-dining has not succeeded in killing the spirit of Caste and the consciousness of Caste. I am convinced that the real remedy is inter-marriage. Fusion of blood can alone create the feeling of being kith and kin and unless this feeling of kinship, of being kindred, becomes paramount the separatist feeling—the feeling of being aliens—created by Caste will not vanish. Among the Hindus inter-marriage must necessarily be a factor of greater force in social life than it need be in the life of the non-Hindus. Where society is already well-knit by other ties, marriage is an ordinary incident of life. But where society cut asunder, marriage as a binding force becomes a matter of urgent necessity. *The real remedy for breaking Caste is inter-marriage. Nothing else will serve as the solvent of Caste.* Your Jat-Pat-Todak Mandal has adopted this line of attack

It is a direct, and frontal attack, and I congratulate you upon a correct diagnosis and more upon your having shown the courage to tell the Hindus what is really wrong with them. Political tyranny is nothing compared to social tyranny and a reformer, who defies society, is a much more courageous man than a politician, who defies Government. You are right in holding that Caste will cease to be an operative force only when inter-dining and inter-marriage have become matters of common course. You have located the source of the disease. But is your prescription the right prescription for the disease? Ask yourselves this question; Why is it that a large majority of Hindus do not inter-dine and do not inter-marry? Why is it that your cause is not popular? There can be only one answer to this question and it is that inter-dining and inter-marriage are repugnant to the beliefs and dogmas which the Hindus regard as sacred. Caste is not a physical object like a wall of bricks or a line of barbed wire which prevents the Hindus from co-mingling and which has, therefore, to be pulled down. Caste is a notion, it is a state of the mind. The destruction of Caste does not therefore mean the destruction of a physical barrier. It means a *notional* change. Caste may be bad. Caste may lead to conduct so gross as to be called man's inhumanity to man. All the same, it must be recognized that the Hindus observe Caste not because they are inhuman or wrong headed. They observe Caste because they are deeply religious. People are not wrong in observing Caste. In my view, what is wrong is their religion, which has inculcated this notion of Caste. If this is correct, then obviously the enemy, you must grapple with, is not the people who observe Caste, but the *Shastras* which teach them this religion of Caste. Criticising and ridiculing people for not inter-dining or inter-marrying or occasionally holding inter-caste dinners and celebrating inter-caste marriages, is a futile method of achieving the desired end. The real remedy is to destroy the belief in the sanctity of the *Shastras*. How do you expect to succeed, if you allow the *Shastras* to continue to mould the beliefs and opinions of the people? Not to question the authority of the *Shastras*, to permit the people to believe in their sanctity and their sanctions and to blame them and to criticise them for their acts as being irrational and inhuman is a incongruous way of carrying on social reform. Reformers working for the removal of untouchability including Mahatma Gandhi, do not seem to realize that the acts of the people are merely the results of their beliefs inculcated upon their minds by the *Shastras* and that people will not change their conduct until they cease to believe in the sanctity of the *Shastras* on which their conduct is founded. No wonder that such efforts have not produced any results. You also seem to be erring in the same way as the reformers working in the cause of removing untouchability. To agitate for and to organise inter-caste dinners and inter-caste marriages is like forced feeding brought about by artificial means. Make every man and woman free from the thralldom of the *Shastras*, cleanse their minds of the pernicious

notions founded on the *Shastras*, and he or she will inter-dine and inter-marry, without your telling him or her to do so.

It is no use seeking refuge in quibbles. It is no use telling people that the *Shastras* do not say what they are believed to say, grammatically read or logically interpreted. What matters is how the *Shastras* have been understood by the people. You must take the stand that Buddha took. You must take the stand which Guru Nanak took. You must not only discard the *Shastras*, you must deny their authority, as did Buddha and Nanak. You must have courage to tell the Hindus, that what is wrong with them is their religion—the religion which has produced in them this notion of the sacredness of Caste. Will you show that courage ?

XXI

What are your chances of success ? Social reforms fall into different species. There is a species of reform, which does not relate to the religious notion of people but is purely secular in character. There is also a species of reform, which relates to the religious notions of people. Of such a species of reform, there are two varieties. In one, the reform accords with the principles of the religion and merely invites people, who have departed from it, to revert to them and to follow them. The second is a reform which not only touches the religious principles but is diametrically opposed to those principles and invites people to depart from and to discard their authority and to act contrary to those principles. Caste is the natural outcome of certain religious beliefs which have the sanction of the *Shastras*, which are believed to contain the command of divinely inspired sages who were endowed with a supernatural wisdom and whose commands, therefore, cannot be disobeyed without committing sin. The destruction of Caste is a reform which falls under the third category. To ask people to give up Caste is to ask them to go contrary to their fundamental religious notions. It is obvious that the first and second species of reform are easy. But the third is a stupendous task, well-nigh impossible. The Hindus hold to the sacredness of the social order. Caste has a divine basis. You must therefore destroy the sacredness and divinity with which Caste has become invested. In the last analysis, this means you must destroy the authority of the *Shastras* and the *Vedas*.

I have emphasized this question of the ways and means of destroying Caste, because I think that knowing the proper ways and means is more important than knowing the ideal. If you do not know the real ways and means, all your shots are sure to be misfires. If my analysis is correct then your task is herculean. You alone can say whether you are capable of achieving it.

Speaking for myself, I see the task to be well-nigh impossible. Perhaps you would like to know why I think so. Out of the many reasons, which have led me to take this view, I will mention some, which I regard much important.

One of these reasons is the attitude of hostility, which the Brahmins have shown towards this question. The Brahmins form the vanguard of the movement for political reform and in some cases also of economic reform. But they are not to be found even as camp-followers in the army raised to break down the barricades of Caste. Is there any hope of the Brahmins ever taking up a lead in the future in this matter ? I say no. You may ask why ? You may argue that there is no reason why Brahmins should continue to shun social reform. You may argue that the Brahmins know that the bane of Hindu Society is Caste and as an enlightened class could not be expected to be indifferent to its consequences. You may argue that there are secular Brahmins and priestly Brahmins and if the latter do not take up the cudgels on behalf of those who want to break Caste, the former will. All this of course sounds very plausible. But in all this it is forgotten that the break up of the Caste system is bound to affect adversely the Brahmin Caste. Having regard to this, is it reasonable to expect that the Brahmins will ever consent to lead a movement the ultimate result of which is to destroy the power and prestige of the Brahmin Caste ? Is it reasonable to expect the secular Brahmins to take part in a movement directed against the priestly Brahmins ? In my judgment, it is useless to make a distinction between the secular Brahmins and priestly Brahmins. Both are kith and kin. They are two arms of the same body and one bound to fight for the existence of the other. In this connection, I am reminded of some very pregnant remarks made by Prof. Dicey in his *English Constitution*. Speaking of the actual limitation on the legislative supremacy of Parliament, Dicey says : "The actual exercise of authority by any sovereign whatever, and notably by Parliament, is bounded or controlled by two limitations. Of these the one is an external, and the other is an internal limitation. The external limit to the real power of a sovereign consists in the possibility or certainty that his subjects or a large number of them will disobey or resist his laws. . . The internal limit to the exercise of sovereignty arises from the nature of the sovereign power itself. Even a despot exercises his powers in accordance with his character, which is itself moulded by the circumstance under which he lives, including under that head the moral feelings of the time and the society to which he belongs. The Sultan could not, if he would, change the religion of the Mohammedan world, but even if he could do so, it is in the very highest degree improbable that the head of Mohammedanism should wish to overthrow the religion of Mohammed ; the internal check on the exercise of the Sultan's power is at least as strong as the external limitation. People sometimes ask the idle question, why the Pope does not introduce this or that reform ? The true answer is that a revolutionist is not the kind of man who becomes a Pope and that a man who becomes a Pope has no wish to be a revolutionist." I think, these remarks apply equally to the Brahmins of India and one can say with equal truth that if a man who becomes a Pope has no wish to become a revolutionary, a man who is born a Brahmin

has much less desire to become a revolutionary. Indeed, to expect a Brahmin to be a revolutionary in matters of social reform is as idle as to expect the British Parliament, as was said by Leslie Stephen, to pass an Act requiring all blue-eyed babies to be murdered.

Some of you will say that it is a matter of small concern whether the Brahmins come forward to lead the movement against Caste or whether they do not. To take this view is in my judgment to ignore the part played by the intellectual class in the community. Whether you accept the theory of the great man as the maker of history or whether you do not, this much you will have to concede that in every country the intellectual class is the most influential class, if not the governing class. The intellectual class is the class which can foresee, it is the class which can advise and give lead. In no country does the mass of the people live the life of intelligent thought and action. It is largely imitative and follows the intellectual class. There is no exaggeration in saying that the entire destiny of a country depends upon its intellectual class. If the intellectual class is honest, independent and disinterested it can be trusted to take the initiative and give a proper lead when a crisis arises. It is true that intellect by itself is no virtue. It is only a means and the use of means depends upon the ends which an intellectual person pursues. An intellectual man can be a good man but he can easily be a rogue. Similarly an intellectual class may be a band of high-souled persons, ready to help, ready to emancipate erring humanity or it may easily be a gang of crooks or a body of advocates of a narrow clique from which it draws its support. You may think it a pity that the intellectual class in India is simply another name for the Brahmin caste. You may regret that the two are one ; that the existence of the intellectual class should be bound with one single caste, that this intellectual class should share the interest and the aspirations of that Brahmin caste, which has regarded itself the custodian of the interest of that caste, rather than of the interests of the country. All this may be very regrettable. But the fact remains, that the Brahmins form the intellectual class of the Hindus. It is not only an intellectual class but it is a class which is held in great reverence by the rest of the Hindus. The Hindus are taught that the Brahmins are *Bhudevas* (Gods on earth) वर्णानाम् ब्राह्मण । गुरु; The Hindus are taught that Brahmins alone can be their teachers. Manu says, "If it be asked how it should be with respect to points of the Dharma which have not been specially mentioned, the answer is that which Brahmins who are Shishthas propound shall doubtless have legal force." :

अनाम्नातेषु धर्मेषु कथं स्यादिति चेद्भवेत् ।

यं शिष्टा ब्राह्मणा ब्रूयुः स धर्मः स्यादशङ्कितः ।

When such an intellectual class, which holds the rest of the community in its grip, is opposed to the reform of Caste, the chances of success in a movement for the break-up of the Caste system appear to me very, very remote.

The second reason, why I say the task is impossible, will be clear if you will bear in mind that the Caste system has two aspects. In one of its aspects, it divides men into separate communities. In its second aspect, it places these communities in a graded order one above the other in social status. Each caste takes its pride and its consolation in the fact that in the scale of castes it is above some other caste. As an outward mark of this gradation, there is also a gradation of social and religious rights technically spoken of as *Ashta-dhikaras* and *Sanskaras*. The higher the grade of a caste, the greater the number of these rights and the lower the grade, the lesser their number. Now this gradation, this scaling of castes, makes it impossible to organise a common front against the Caste System. If a caste claims the right to inter-dine and inter-marry with another caste placed above it, it is frozen, instantly it is told by mischief-mongers, and there are many Brahmins amongst such mischief-mongers, that it will have to concede inter-dining and inter-marriage with castes below it! All are slaves of the Caste System. But all the slaves are not equal in status. To excite the proletariat to bring about an economic revolution, Karl Marx told them : "You have nothing to lose except your chains." But the artful way in which the social and religious rights are distributed among the different castes whereby some have more and some have less, makes the slogan of Karl Marx quite useless to excite the Hindus against the Caste System. Castes form a graded system of sovereignties, high and low, which are jealous of their status and which know that if a general dissolution came, some of them stand to lose more of their prestige and power than others do. You cannot, therefore, have a general mobilization of the Hindus, to use a military expression, for an attack on the Caste System.

XXII

Can you appeal to reason and ask the Hindus to discard Caste as being contrary to reason ? That raises the question : Is a Hindu free to follow his reason ? Manu has laid down three sanctions to which every Hindu must conform in the matter of his behaviour वेदः स्मृतिः सदाचारः स्वस्य च प्रियमात्मनः Here there is no place for reason to play its part. A Hindu must follow either *Veda*, *Smriti* or *Sadachar*. He cannot follow anything else. In the first place how are the texts of the *Vedas* and *Smritis* to be interpreted whenever any doubt arises regarding their meaning ? On this important question the view of Manu is quite definite. He says :

योऽवमन्येत ते मूले हेतुशास्त्राश्रयात् द्विजः ।
स साधुभिर्बहिष्कार्यो नास्तिको वेदनिन्दकः ॥

According to this rule, rationalism as a canon of interpreting the *Vedas* and *Smritis*, is absolutely condemned. It is regarded to be as wicked as atheism and the punishment provided for it is ex-communication. Thus, where a matter is covered by the *Veda* or the *Smriti*, a Hindu cannot resort to rational thinking. Even when there is a conflict between *Vedas* and *Smritis* on matters on which

they have given a positive injunction, the solution is not left to reason. When there is a conflict between two *Shrutis*, both are to be regarded as of equal authority. Either of them may be followed. No attempt is to be made to find out which of the two accords with reason. This is made clear by *Manu* :

श्रुतिद्वैधं तु यत्र स्यात्तत्र धर्मावुभौ स्मृतौ ।

“When there is a conflict between *Shruti* and *Smriti*, the *Shruti* must prevail.” But here too, no attempt must be made to find out which of the two accords with reason. This is laid down by *Manu* in the following Shloka :

या वेदबाह्याः स्मृतयो याश्च काश्च कुदृष्टः ।

सर्वास्ता निष्फलाः प्रेत्य तमोनिष्ठा हि तः स्मृताः ॥

Again, when there is a conflict between two *Smritis*, the *Manu-Smriti* must prevail, but no attempt is to be made to find out which of the two accords with reason. This is the ruling given by *Brihaspati*:

वेदायत्वोपनिबन्धुत्वत् प्रमाण्यं हि मनोः स्मृतं ।

मन्वर्थविपरीता तु या स्मृतिः सा न शस्यते ॥

It is, therefore, clear that in any matter on which the *Shrutis* and *Smritis* have given a positive direction, a Hindu is not free to use his reasoning faculty. The same rule is laid down in the *Mahabharat*:

पुराणं मानवो धर्मः सांगो वेदश्चिकित्सितं ।

आज्ञासिद्धानि चत्वारि न हन्तव्यानि हेतुभिः ॥

He must abide by their directions. The Caste and *Varna* are matters, which are dealt with by the *Vedas* and the *Smritis* and consequently, appeal to reason can have no effect on a Hindu. So far as Caste and *Varna* are concerned, not only the *Shastras* do not permit the Hindu to use his reason in the decision of the question, but they have taken care to see that no occasion is left to examine in a rational way the foundations of his belief in Caste and *Varna*. It must be a source of silent amusement to many a Non-Hindu to find hundreds and thousands of Hindus breaking Caste on certain occasions, such as railway journey and foreign travel and yet endeavouring to maintain Caste for the rest of their lives! The explanation of this phenomenon discloses another fetter on the reasoning faculties of the Hindus. Man's life is generally habitual and unreflective. Reflective thought, in the sense of active, persistent and careful consideration of any belief or supposed form or knowledge in the light of the grounds that support it and further conclusions to which it tends, is quite rare and arises only in a situation which presents a dilemma—a crisis. Railway journeys and foreign travels are really occasions of crisis in the life of a Hindu and it is natural to expect a Hindu to ask himself why he should maintain Caste at all, if he cannot maintain it at all times. But he does not. He breaks Caste at one step and proceeds to observe it at the next without raising any question. The reason for this astonishing conduct is to be found in the rule of the *Shastras*, which directs him to maintain Caste as far as

possible and to undergo *prayaschitta* when he cannot. By this theory of *prayaschitta*, the *Shastras* by following a spirit of compromise have given caste a perpetual lease of life and have smothered reflective thought which would have otherwise led to the destruction of the notion of Caste.

There have been many who have worked in the cause of the abolition of Caste and Untouchability. Of those, who can be mentioned, Ramanuja, Kabir and others stand out prominently. Can you appeal to the acts of these reformers and exhort the Hindus to follow them? It is true that Manu has included *Sadachar* (सदाचार) as one of the sanctions along with *Shruti* and *Smriti*. Indeed, *Sadachar* has been given a higher place than *Shastras* :

यद्यद्वाचर्यते येन धर्म्यं वाऽधर्म्यमेव वा ।
देशस्याचरणं नित्यं चरित्रं तद्धिकीर्तितम् ॥

According to this, *Sadachar*, whether, it is धर्म्य or अधर्म्य in accordance with *Shastras* or contrary to *Shastras*, must be followed. But what is the meaning of *Sadachar*? If any one were to suppose that *Sadachar* means right or good acts *i.e.* acts of good and righteous men he would find himself greatly mistaken. *Sadachar* does not mean good acts or acts of good men. It means ancient custom *good* or *bad*. The following verse makes this clear :

यस्मिन् देशे य आचारः पारंपर्यक्रमागतः ।
वर्णानां किल सर्वेषां स सदाचार उच्यते ॥

As though to warn people against the view that *Sadachar* means good acts or acts of good men and fearing that people might understand it that way and follow the acts of good men, the *Smritis* have commanded the Hindus in unmistakable terms not to follow even Gods in their good deeds, if they are contrary to *Shruti*, *Smriti* and *Sadachar*. This may sound to be most extraordinary, most perverse, but the fact remains that न देवचरितं चरेत् is an injunction, issued to the Hindus by their *Shastras*. Reason and morality are the two most powerful weapons in the armoury of a Reformer. To deprive him of the use of these weapons is to disable him for action. How are you going to break up Caste, if people are not free to consider whether it accords with reason? How are you going to break up Caste if people are not free to consider whether it accords with morality? The wall built around Caste is impregnable and the material, of which it is built, contains none of the combustible stuff of reason and morality. Add to this the fact that inside this wall stands the army of Brahmins who form the intellectual class, Brahmins who are the natural leaders of the Hindus, Brahmins who are there not as mere mercenary soldiers but as an army fighting for its homeland and you will get an idea why I think that breaking-up of Caste amongst the Hindus is well-nigh impossible. At any rate, it would take ages before a breach is made. But whether the doing of the deed takes time or whether it can be done quickly, you must not forget that if you wish to bring about a breach

in the system then you have got to apply the dynamite to the *Vedas* and the *Shastras*, which deny any part to reason, to *Vedas* and *Shastras*, which deny any part to morality. You must destroy the Religion of the *Shrutis* and the *Smritis*. Nothing else will avail. This is my considered view of the matter.

XXIII

Some may not understand what I mean by destruction of Religion ; some may find the idea revolting to them and some may find it revolutionary. Let me therefore explain my position. I do not know whether you draw a distinction between principles and rules. But I do. Not only I make a distinction but I say that this distinction is real and important. Rules are practical; they are habitual ways of doing things according to prescription. But principles are intellectual; they are useful methods of judging things. Rules seek to tell an agent just what course of action to pursue. Principles do not prescribe a specific course of action. Rules, like cooking recipes, do tell just what to do and how to do it. A principle, such as that of justice, supplies a main head by reference to which he is to consider the bearings of his desires and purposes, it guides him in his thinking by suggesting to him the important consideration which he should bear in mind. This difference between rules and principles makes the acts done in pursuit of them different in quality and in content. Doing what is said to be good by virtue of a rule and doing good in the light of a principle are two different things. The principle may be wrong but the act is conscious and responsible. The rule may be right but the act is mechanical. A religious act may not be a correct act but must at least be a responsible act. To permit of this responsibility, Religion must mainly be a matter of principles only. It cannot be a matter of rules. The moment it degenerates into rules it ceases to be Religion, as it kills responsibility which is the essence of a truly religious act. What is this Hindu Religion ? Is it a set of principles or is it a code of rules ? Now the Hindu Religion, as contained in the *Vedas* and the *Smritis*, is nothing but a mass of sacrificial, social, political and sanitary rules and regulations, all mixed up. What is called Religion by the Hindus is nothing but a multitude of commands and prohibitions. Religion, in the sense of spiritual principles, truly universal, applicable to all races, to all countries, to all times, is not to be found in them, and if it is, it does not form the governing part of a Hindu's life. That for a Hindu, Dharma means commands and prohibitions is clear from the way the word Dharma is used in *Vedas* and the *Smritis* and understood by the commentators. The word Dharma as used in the *Vedas* in most cases means religious ordinances or rites. Even Jaimini in his *Purva-Mimansa* defines Dharma as "a desirable goal or result that is indicated by injunctive (*Vedic*) passages". To put it in plain language, what the Hindus call Religion is really Law or at best legalized class-ethics. Frankly, I refuse to call this code of ordinances, as Religion. The first evil of such a code of ordinances, misrepresented to the

people as Religion, is that it tends to deprive moral life of freedom and spontaneity and to reduce it (for the conscientious at any rate) to a more or less anxious and servile conformity to externally imposed rules. Under it, there is no loyalty to ideals, there is only conformity to commands. But the worst evil of this code of ordinances is that the laws it contains must be the same yesterday, today and forever. They are iniquitous in that they are not the same for one class as for another. But this iniquity is made perpetual in that they are prescribed to be the same for all generations. The objectionable part of such a scheme is not that they are made by certain persons called Prophets or Law-givers. The objectionable part is that this code has been invested with the character of finality and fixity. Happiness notoriously varies with the conditions and circumstances of a person, as well as with the conditions of different people and epochs. That being the case, how can humanity endure this code of eternal laws, without being cramped and without being crippled? I have, therefore, no hesitation in saying that such a religion must be destroyed and I say, there is nothing irreligious in working for the destruction of such a religion. Indeed I hold that it is your bounden duty to tear the mask, to remove the misrepresentation that as caused by misnaming this Law as Religion. This is an essential step for you. Once you clear the minds of the people of this misconception and enable them to realize that what they are told as Religion is not Religion but that it is really Law, you will be in a position to urge for its amendment or abolition. So long as people look upon it as Religion they will not be ready for a change, because the idea of Religion is generally speaking not associated with the idea of change. But the idea of law is associated with the idea of change and when people come to know that what is called Religion is really Law, old and archaic, they will be ready for a change, for people know and accept that law can be changed.

XXIV

While I condemn a Religion of Rules, I must not be understood to hold the opinion that there is no necessity for a religion. On the contrary, I agree with Burke when he says that, "True religion is the foundation of society, the basis on which all true Civil Government rests, and both their sanction." Consequently, when I urge that these ancient rules of life be annulled, I am anxious that its place shall be taken by a Religion of Principles, which alone can lay claim to being a true Religion. Indeed, I am so convinced of the necessity of Religion that I feel I ought to tell you in outline what I regard as necessary items in this religious reform. The following in my opinion should be the cardinal items in this reform : (1) There should be one and only one standard book of Hindu Religion, acceptable to all Hindus and recognized by all Hindus. This of course means that all other books of Hindu religion such as *Vedas*, *Shastras* and *Puranas*, which are treated as sacred and authoritative, must by law cease to be so and the preaching of any doctrine, religious or

social contained in these books should be penalized. (2) It should be better if priesthood among Hindus was abolished. But as this seems to be impossible, the priesthood must at least cease to be hereditary. Every person who professes to be a Hindu must be eligible for being a priest. It should be provided by law that no Hindu shall be entitled to be a priest unless he has passed an examination prescribed by the State and holds a *sanad* from the State permitting him to practise. (3) No ceremony performed by a priest who does not hold a *sanad* shall be deemed to be valid in law and it should be made penal for a person who has no *sanad* to officiate as a priest. (4) A priest should be the servant of the State and should be subject to the disciplinary action by the State in the matter of his morals, beliefs and worship, in addition to his being subject along with other citizens to the ordinary law of the land. (5) The number of priests should be limited by law according to the requirements of the State as is done in the case of the I.C.S. To some, this may sound radical. But to my mind there is nothing revolutionary in this. Every profession in India is regulated. Engineers must show proficiency, Doctor must show proficiency, Lawyers must show proficiency, before they are allowed to practise their professions. During the whole of their career, they must not only obey the law of the land, civil as well as criminal, but they must also obey the special code of morals prescribed by their respective professions. The priest's is the only profession where proficiency is not required. The profession of a Hindu priest is the only profession which is not subject to any code. Mentally a priest may be an idiot, physically a priest may be suffering from a foul disease, such as syphilis or gonorrhea, morally he may be a wreck. But he is fit to officiate at solemn ceremonies, to enter the *sanctum sanctorum* of a Hindu temple and worship the Hindu God. All this becomes possible among the Hindus because for a priest it is enough to be born in a priestly caste. The whole thing is abominable and is due to the fact that the priestly class among Hindus is subject neither to law nor to morality. It recognizes no duties. It knows only of rights and privileges. It is a pest which divinity seems to have let loose on the masses for their mental and moral degradation. The priestly class must be brought under control by some such legislation as I have outlined above. It will prevent it from doing mischief and from misguiding people. It will democratise it by throwing it open to every one. It will certainly help to kill the Brahminism and will also help to kill Caste, which is nothing but Brahminism incarnate. Brahminism is the poison which has spoiled Hinduism. You will succeed in saving Hinduism if you will kill Brahminism. There should be no opposition to this reform from any quarter. It should be welcomed even by the Arya Samajists, because this is merely an application of their own doctrine of *guna-karma*.

Whether you do that or you do not, you must give a new doctrinal basis to your Religion—a basis that will be in consonance with Liberty, Equality and Fraternity, in short, with Democracy. I am no authority on the subject.

But I am told that for such religious principles as will be in consonance with Liberty, Equality and Fraternity it may not be necessary for you to borrow from foreign sources and that you could draw for such principles on the *Upanishads*. Whether you could do so without a complete remoulding, a considerable scraping and chipping off the ore they contain, is more than I can say. This means a complete change in the fundamental notions of life. It means a complete change in the values of life. It means a complete change in outlook and in attitude towards men and things. It means conversion ; but if you do not like the word, I will say, it means new life. But a new life cannot enter a body that is dead. New life can enter only in a new body. The old body must die before a new body can come into existence and a new life can enter into it. To put it simply, the old must cease to be operative before the new can begin to enliven and to pulsate. This is what I meant when I said you must discard the authority of the *Shastras* and destroy the religion of the *Shastras*.

XXV

I have kept you too long. It is time I brought this address to a close. This would have been a convenient point for me to have stopped. But this would probably be my last address to a Hindu audience on a subject vitally concerning the Hindus. I would therefore like, before I close, to place before the Hindus, if they will allow me, some questions which I regard as vital and invite them seriously to consider the same.

In the first place, the Hindus must consider whether it is sufficient to take the placid view of the anthropologist that there is nothing to be said about the beliefs, habits, morals and outlooks on life, which obtain among the different peoples of the world except that they often differ ; or whether it is not necessary to make an attempt to find out what kind of morality, beliefs, habits and outlook have worked best and have enabled those who possessed them to flourish, to go strong, to people the earth and to have dominion over it. As is observed by Prof. Carver, "Morality and religion, as the organised expression of moral approval and disapproval, must be regarded as factors in the struggle for existence as truly as are weapons for offence and defence, teeth and claws, horns and hoofs, furs and feathers. The social group, community, tribe or nation, which develops an unworkable scheme of morality or within which those social acts which weaken it and unfit it for survival, habitually create the sentiment of approval, while those which would strengthen and enable it to be expanded habitually create the sentiment of disapproval, will eventually be eliminated. It is its habits of approval or disapproval (these are the results of religion and morality) that handicap it, as really as the possession of two wings on one side with none on the other will handicap the colony of flies. It would be as futile in the one case as in the other to argue, that one system is just as good as another." Morality

and religion, therefore, are not mere matters of likes and dislikes. You may dislike exceedingly a scheme of morality, which, if universally practised within a nation, would make that nation the strongest nation on the face of the earth. Yet in spite of your dislike such a nation will become strong. You may like exceedingly a scheme of morality and an ideal of justice, which if universally practised within a nation, would make it unable to hold its own in the struggle with other nations. Yet in spite of your admiration this nation will eventually disappear. The Hindus must, therefore, examine their religion and their morality in terms of their survival value.

Secondly, the Hindus must consider whether they should conserve the whole of their social heritage or select what is helpful and transmit to future generations only that much and no more. Prof. John Dewey, who was my teacher and to whom I owe so much, has said : "Every society gets encumbered with what is trivial, with dead wood from the past, and with what is positively perverse... As a society becomes more enlightened, it realizes that it is responsible *not* to conserve and transmit the whole of its existing achievements, but only such as make for a better future society." Even Burke, in spite of the vehemence with which he opposed the principle of change embodied in the French Revolution, was compelled to admit that "a State without the means of some change is without the means of its conservation. Without such means it might even risk the loss of that part of the constitution which it wished the most religiously to preserve." What Burke said of a State applies equally to a society.

Thirdly, the Hindus must consider whether they must not cease to worship the past as supplying its ideals. The beneficial effect of this worship of the past are best summed up by Prof. Dewey when he says : "An individual can live only in the present. The present is not just something which comes after the past; much less something produced by it. It is what life is in leaving the past behind it. The study of past products will not help us to understand the present. A knowledge of the past and its heritage is of great significance when it enters into the present, but not otherwise. And the mistake of making the records and remains of the past the main material of education is that it tends to make the past a rival of the present and the present a more or less futile imitation of the past." The principle, which makes little of the present act of living and growing, naturally looks upon the present as empty and upon the future as remote. Such a principle is inimical to progress and is an hindrance to a strong and a steady current of life.

Fourthly, the Hindus must consider whether the time has not come for them to recognize that there is nothing fixed, nothing eternal, nothing *sanatan*; that everything is changing, that change is the law of life for individuals as well as for society. In a changing society, there must be a constant revolution of old values and the Hindus must realize that if there

must be standards to measure the acts of men there must also be a readiness to revise those standards.

XXVI

I have to confess that this address has become too lengthy. Whether this fault is compensated to any extent by breadth or depth is a matter for you to judge. All I claim is to have told you candidly my views. I have little to recommend them but some study and a deep concern in your destiny. If you will allow me to say, these views are the views of a man, who has been no tool of power, no flatterer of greatness. They come from one, almost the whole of whose public exertion has been one continuous struggle for liberty for the poor and for the oppressed and whose only reward has been a continuous shower of calumny and abuse from national journals and national leaders, for no other reason except that I refuse to join with them in performing the miracle—I will not say trick—of liberating the oppressed with the gold of the tyrant and raising the poor with the cash of the rich. All this may not be enough to commend my views. I think they are not likely to alter yours. But whether they do or do not, the responsibility is entirely yours. You must make your efforts to uproot Caste, if not in my way, then in your way. I am sorry, I will not be with you. I have decided to change. This is not the place for giving reasons. But even when I am gone out of your fold, I will watch your movement with active sympathy and you will have my assistance for what it may be worth. Yours is a national cause. Caste is no doubt primarily the breath of the Hindus. But the Hindus have fouled the air all over and everybody is infected, Sikh, Muslim and Christian. You, therefore, deserve the support of all those who are suffering from this infection, Sikh, Muslim and Christian. Yours is more difficult than the other national cause, namely Swaraj. In the fight for Swaraj you fight with the whole nation on your side. In this, you have to fight against the whole nation and that too, your own. But it is more important than Swaraj. There is no use having Swaraj, if you cannot defend it. More important than the question of defending Swaraj is the question of defending the Hindus under the Swaraj. In my opinion only when the Hindu Society becomes a casteless society that it can hope to have strength enough to defend itself. Without such internal strength, Swaraj for Hindus may turn out to be only a step towards slavery. Good-bye and good wishes for your success.

APPENDIX I

A VINDICATION OF CASTE BY MAHATMA GANDHI

*(A Reprint of his Articles in the "Harijan")***Dr. Ambedkar's Indictment**

I

The readers will recall the fact that Dr. Ambedkar was to have presided last May at the annual conference of the Jat-Pat-Todak Mandal of Lahore. But the conference itself was cancelled because Dr. Ambedkar's address was found by the Reception Committee to be unacceptable. How far a Reception Committee is justified in rejecting a President of its choice because of his address that may be objectionable to it is open to question. The Committee knew Dr. Ambedkar's views on casts; and the Hindu scriptures. They knew also that he had in unequivocal terms decided to give up Hinduism. Nothing less than the address that Dr. Ambedkar had prepared was to be expected from him. The committee appears to have deprived the public of an opportunity of listening to the original views of a man, who has carved out for himself a unique position in society. Whatever label he wears in future, Dr. Ambedkar is not the man to allow himself to be forgotten.

Dr. Ambedkar was not going to be beaten by the Reception Committee. He has answered their rejection of him by publishing the address at his own expense. He has priced it at 8 annas, I would suggest a reduction to 2 annas or at least 4 annas.

No reformer can ignore the address. The orthodox will gain by reading it. This is not to say that the address is not open to objection. It has to be read only because it is open to serious objection. Dr. Ambedkar is a challenge to Hinduism. Brought up as a Hindu, educated by a Hindu potentate, he has become so disgusted with the so-called Savarna Hindus for the treatment that he and his people have received at their hands that he proposes to leave not only them but the very religion that is his and their common heritage. He has transferred to that religion, his disgust against a part of its professors.

But this is not to be wondered at. After all, one can only judge a system or an institution by the conduct of its representatives. What is more. Dr. Ambedkar found that the vast majority of Savarna Hindus had not only conducted themselves inhumanly against those of their fellow religionists, whom they classed as untouchables, but they had based their conduct on the authority of their scriptures, and when he began to search them he had found ample warrant for their beliefs in untouchability and all its implications. The author of the address has quoted chapter and verse in proof of his three-fold indictment—inhuman conduct itself, the unabashed justification for it on the part of the perpetrators, and the subsequent discovery that the justification was warranted by their scriptures.

No Hindu who prizes his faith above life itself can afford to underrate the importance of this indictment. Dr. Ambedkar is not alone in his disgust. He is its most uncompromising exponent and one of the ablest among them. He is certainly the most irreconcilable among them. Thank God, in the front rank of the leaders, he is singularly alone and as yet but a representative of a very small minority. But what he says is voiced with more or less vehemence by many leaders belonging to the depressed classes. Only the latter, for instance Rao Bahadur M. C. Rajah and Dewan Bahadur Srinivasan, not only do not threaten to give up Hinduism but find enough warmth in it to compensate for the shameful persecution to which the vast mass of Harijans are exposed.

But the fact of many leaders remaining in the Hindu fold is no warrant for disregarding what Dr. Ambedkar has to say. The Savarnas have to correct their belief and their conduct. Above all those who are by their learning and influence among the Savarnas have to give an authoritative interpretation of the scriptures. The questions that Dr. Ambedkar's indictment suggest are :

- (1) What are the scriptures ?
- (2) Are all the printed texts to be regarded as an integral part of them or is any part of them to be rejected as unauthorised interpolations ?
- (3) What is the answer of such accepted and expurgated scriptures on the question of untouchability, caste, equality of status, inter-dining and intermarriages ?

(These have been all examined by Dr. Ambedkar in his address.)

I must reserve for the next issue my own answer to these questions and a statement of the (at least some) manifest flaws in Dr. Ambedkar's thesis,

(*Harijan*, July 11, 1936)

II

The *Vedas*, *Upanishads*, *Smritis* and *Puranas* including Ramayana and Mahabharata are the Hindu Scriptures. Nor is this a finite list. Every age or even generation has added to the list. It follows, therefore, that everything printed or even found handwritten is not scripture. The *Smritis* for instance contain much that can never be accepted as the word of God. Thus, many of the texts that Dr. Ambedkar quotes from the *Smritis* cannot be accepted as authentic. The scriptures, properly so-called, can only be concerned with eternal varieties and must appeal to any conscience *i.e.* any heart whose eyes of understanding are opened. Nothing can be accepted as the word of God which cannot be tested by reason or be capable of being spiritually experienced. And even when you have an expurgated edition of the scriptures, you will need their interpretation. Who is the best interpreter? Not learned men surely. Learning there must be. But religion does not live by it. It lives in the experiences of its saints and seers, in their lives and sayings. When all the

most learned commentators of the scriptures are utterly forgotten, the accumulated experience of the sages and saints will abide and be an inspiration for ages to come.

Caste has nothing to do with religion. It is a custom whose origin I do not know and do not need to know for the satisfaction of my spiritual hunger. But I do know that it is harmful both to spiritual and national growth. *Varna* and *Ashrama* are institutions which have nothing to do with castes. The law of *Varna* teaches us that we have each one of us to earn our bread by following the ancestral calling. It defines not our rights but our duties. It necessarily has reference to callings that are conducive to the welfare of humanity and to no other. It also follows that there is no calling too low and none too high. All are good, lawful and absolutely equal in status. The callings of a Brahmin—spiritual teacher—and a scavenger are equal, and their due performance carries equal merit before God and at one time seems to have carried identical reward before man. Both were entitled to their livelihood and no more. Indeed one traces even now in the villages the faint lines of this healthy operation of the law. Living in Segaoon with its population of 600, I do not find a great disparity between the earnings of different tradesmen including Brahmins. I find too that real Brahmins are to be found even in these degenerate days who are living on alms freely given to them and are giving freely of what they have of spiritual treasures. It would be wrong and improper to judge the law of *Varna* by its caricature in the lives of men who profess to belong to a *Varna*, whilst they openly commit a breach of its only operative rule. Arrogation of a superior status by and of the *Varna* over another is a denial of the law. And there is nothing in the law of *Varna* to warrant a belief in untouchability. (The essence of Hinduism is contained in its enunciation of one and only God as Truth and its bold acceptance of Ahimsa as the law of the human family.)

I am aware that my interpretation of Hinduism will be disputed by many besides Dr. Ambedkar. That does not affect my position. It is an interpretation by which I have lived for nearly half a century and according to which I have endeavoured to the best of my ability to regulate my life.

In my opinion the profound mistake that Dr. Ambedkar has made in his address is to pick out the texts of doubtful authenticity and value and the state of degraded Hindus who are no fit specimens of the faith they so woefully misrepresent. Judged by the standard applied by Dr. Ambedkar, every known living faith will probably fail.

In his able address, the learned Doctor has overproved his case- Can a religion that was professed by Chaitanya, Jnyandeo, Tukaram, Tiruvalluvar, Ramkrishna Paramahansa, Raja Rani Mohan Roy, Maharshi Devendranath Tagore, Vivekanand and host of others who might be easily mentioned, so utterly devoid of merit as is made out in Dr. Ambedkar's address ? A religion

has to be judged not by its worst specimens but by the best it might have produced. For that and that alone can be used as the standard to aspire to, if not to improve upon.

(*Harijan*, July 18, 1936)

III

VARNA VERSUS CASTE

Shri Sant Ramji of the Jat-Pat-Todak Mandal of Lahore wants me to publish the following :

“I have read your remarks about Dr. Ambedkar and the Jat-Pat-Todak Mandal, Lahore. In that connection I beg to submit as follows :

“We did not invite Dr. Ambedkar to preside over our conference because he belonged to the Depressed Classes, for we do not distinguish between a touchable and an untouchable Hindu. On the contrary our choice fell on him simply because his diagnosis of the fatal disease of the Hindu community was the same as ours, *i.e.* he too was of the opinion that caste system was the root cause of the disruption and downfall of the Hindus. The subject of the Doctor’s thesis for Doctorate being caste system, he has studied the subject thoroughly. Now the object of our conference was to persuade the Hindus to annihilate castes but the advice of a non-Hindu in social and religious matters can have no effect on them. The Doctor in the supplementary portion of his address insisted on saying that that was his last speech as a Hindu, which was irrelevant as well as pernicious to the interests of the conference. So we requested him to expunge that sentence for he could easily say the same thing on any other occasion. But he refused and we saw no utility in making merely a show of our function. In spite of all this, I cannot help praising his address which is, as far as I know, the most learned thesis on the subject and worth translating into every vernacular of India.

Moreover, I want to bring to your notice that your philosophical difference between Caste and *Varna* is too subtle to be grasped by people in general, because for all practical purposes in the Hindu society Caste and *Varna* are one and the same thing, for the function of both of them is one and the same *i.e.* to restrict inter-caste marriages and inter-dining. Your theory of *Varnavyavastha* is impracticable in this age and there is no hope of its revival in the near future. But Hindus are slaves of caste and do not want to destroy it. So when you advocate your ideal of imaginary *Varnavyavastha* they find justification for clinging to caste. Thus you are doing a great disservice to social reform by advocating your imaginary utility of division of *Varnas*, for it creates hindrance in our way. To try to remove untouchability without striking at the root of *Varnavyavastha* is simply to treat the outward symptoms of a disease or to draw a line on the surface of water. As in the heart of their hearts

dvijas do not want to give social equality to the so-called touchable and untouchable Shudras, so they refuse to break caste, and give liberal donations for the removal of untouchability, simply to evade the issue. To seek the help of the *Shastras* for the removal of untouchability and caste is simply to wash mud with mud.”

The last paragraph of the letter surely cancels the first. If the Mandal rejects the help of the *Shastras*, they do exactly what Dr. Ambedkar does, *i.e.* cease to be Hindus. How then can they object to Dr. Ambedkar’s address merely because he said that that was his last speech as a Hindu? The position appears to be wholly untenable especially when the Mandal, for which, Shri Sant Ram claims to speak, applauds the whole argument of Dr. Ambedkar’s address.

But it is pertinent to ask what the Mandal believes if it rejects the *Shastras*. How can a Muslim remain one if he rejects the Quran, or a Christian remain Christian if he rejects the Bible? If Caste and *Varna* are convertible terms and if *Varna* is an integral part of the *Shastras* which define Hinduism, I do not know how a person who rejects Caste *i.e.* *Varna* can call himself a Hindu.

Shri Sant Ram likens the *Shastras* to mud. Dr. Ambedkar has not, so far as I remember, given any such pictures que name to the *Shastras*. I have certainly meant when I have said that if *Shastras* support the existing untouchability I should cease to call myself a Hindu. Similarly, if the *Shastras* support caste as we know it today in all its hideousness, I may not call myself or remain a Hindu since I have no scruples about interdining or intermarriage. I need not repeat my position regarding *Shastras* and their interpretation. I venture to suggest to Shri Sant Ram that it is the only rational and correct and morally defensible position and it has ample warrant in Hindu tradition.

(*Harijan*, August 15, 1936)

APPENDIX II

A REPLY TO THE MAHATMA BY DR. B.R. AMBEDKAR

I

I appreciate greatly the honour done me by the Mahatma in taking notice in his Harijan of the speech on Caste which I had prepared for the Jat Pat Todak Mandal. From a perusal of his review of my speech it is clear that the Mahatma completely dissents from the views I have expressed on the subject of Caste. I am not in the habit of entering into controversy with my opponents unless there are special reasons which compel me to act otherwise. Had my opponent been some mean and obscure person I would not have pursued him. But my opponent being the Mahatma himself I feel I must attempt to meet the case to the contrary which he has sought to put forth. While I appreciate the honour he has done me, I must confess to a sense of surprise on finding that of all the persons the Mahatma should accuse me of a desire to seek publicity as he seems to do when he suggests that in publishing the undelivered speech my object was to see that I was not "forgotten". Whatever the Mahatma may choose to say my object in publishing the speech was to provoke the Hindus to think and take stock of their position. I have never hankered for publicity and if I may say so, I have more of it than I wish or need. But supposing it was out of the motive of gaining publicity that I printed the speech who could cast a stone at me? Surely not those, who like the Mahatma live in glass houses.

II

Motive apart, what has the Mahatma to say on the question raised by me in the speech? First of all any one who reads my speech will realize that the Mahatma has entirely missed the issues raised by me and that the issues he has raised are not the issues that arise out of what he is pleased to call my indictment of the Hindus. The principal points which I have tried to make out in my speech may be catalogued as follows: (1) That caste has ruined the Hindus; (2) That the reorganization of the Hindu society on the basis of Chaturvarnya is impossible because the *Varnavyavastha* is like a leaky pot or like a man running at the nose. It is incapable of sustaining itself by its own virtue and has an inherent tendency to degenerate into a caste system unless there is a legal sanction behind it which can be enforced against every one transgressing his *Vara*; (3) That the reorganization of the Hindu Society on the basis of Chaturvarnya is harmful because the effect of the *Varnavyavastha* is to degrade the masses by denying them opportunity to acquire knowledge and to emasculate them by denying them the right to be armed; (4) That the Hindu society must be reorganized on a religious basis which would recognise the principles of Liberty, Equality and Fraternity; (5) That in order to achieve this object the sense of religious sanctity behind

Caste and *Varna* must be destroyed ; (6) That the sanctity of Caste and *Varna* can be destroyed only by discarding the divine authority of the *Shastras*. It will be noticed that the questions raised by the Mahatma are absolutely beside the point and show that the main argument of the speech was lost upon him.

III

Let me examine the substance of the points made by the Mahatma. The first point made by the Mahatma is that the texts cited by me are not authentic. I confess I am no authority on this matter. But I should like to state that the texts cited by me are all taken from the writings of the late Mr. Tilak who was a recognised authority on the Sanskrit language and on the Hindu *Shastras*. His second point is that these *Shastras* should be interpreted not by the learned but the saints and that, as the saints have understood them, the *Shastras* do not support Caste and Untouchability. As regards the first point what I like to ask the Mahatma is what does it avail to any one if the texts are interpolations and if they have been differently interpreted by the saints ? The masses do not make any distinction between texts which are genuine and texts which are interpolations. The masses do not know what the texts are. They are too illiterate to know the contents of the *Shastras*. They have believed what they have been told and what they have been told is that the *Shastras* do enjoin as a religious duty the observance of Caste and Untouchability.

With regard to the saints, one must admit that howsoever different and elevating their teachings may have been as compared to those of the merely learned they have been lamentably ineffective. They have been ineffective for two reasons. Firstly, none of the saints ever attacked the Caste System. On the contrary, they were staunch believers in the System of Castes. Most of them lived and died as members of the castes which they respectively belonged. So passionately attached was Jnyandeo to his status as a Brahmin that when the Brahmins of Paithan would not admit him to their fold he moved heaven and earth to get his status as a Brahmin recognized by the Brahmin fraternity. And even the saint Eknath who now figures in the film "Dharmatma" as a hero for having shown courage to touch the untouchables and dine with them, did so not because he was opposed to Caste and Untouchability but because he felt that the pollution caused thereby could be washed away by a bath in the sacred waters of the river Ganges.* The saints have never according to my study carried on a campaign against Caste and Untouchability. They were not concerned with the struggle between men. They were concerned with the relation between man and God. They did not preach that all men were equal. They preached that all men were equal in the eyes of God—

*अंत्यजाचा विटाळ ज्यासी । गंगास्नाने शुद्धत्व त्यासी ॥—एकनाथी भागवत, अ. २८, ओ.१९१.

a very different and a very innocuous proposition which nobody can find difficult to preach or dangerous to believe in. The second reason why the teachings of the saints proved ineffective was because the masses have been taught that a saint might break Caste but the common man must not. A saint therefore never became an example to follow. He always remained a pious man to be honoured. That the masses have remained staunch believers in Caste and Untouchability shows that the pious lives and noble sermons of the saints have had no effect on their life and conduct as against the teachings of the *Shastras*. Thus it can be a matter of no consolation that there were saints or that there is a Mahatma who understands the *Shastras* differently from the learned few or ignorant many. That the masses hold different view of the *Shastras* is fact which should and must be reckoned with. How is that to be dealt with except by denouncing the authority of the *Shastras*, which continue to govern their conduct, is a question which the Mahatma has not considered. But whatever the plan the Mahatma puts forth as an effective means to free the masses from the teachings of the *Shastras*, he must accept that the pious life led by one good Samaritan may be very elevating to himself but in India, with the attitude the common man has to saints and to Mahatmas—to honour but not to follow—one cannot make much out of it.

IV

The third point made by the Mahatma is that a religion professed by Chaitanya, Jnyandeo, Tukaram, Tiruvalluvar, Ramkrishna Paramahansa etc. cannot be devoid of merit as is made out by me and that a religion has to be judged not by its worst specimens but by the best it might have produced. I agree with every word of this statement. But I do not quite understand what the Mahatma wishes to prove thereby. That religion should be judged not by its worst specimens but by its best is true enough but does it dispose of the matter? I say it does not. The question still remains—why the worst number so many and the best so few? To my mind there are two conceivable answers to this question: (1) That the worst by reason of some original perversity of theirs are morally uneducable and are therefore incapable of making the remotest approach to the religious ideal. Or (2) That the religious ideal is a wholly wrong ideal which has given a wrong moral twist to the lives of the many and that the best have become best in spite of the wrong ideal—in fact by giving to the wrong twist a turn in the right direction. Of these two explanations I am not prepared to accept the first and I am sure that even the Mahatma will not insist upon the contrary. To my mind the second is the only logical and reasonable explanation unless the Mahatma has a third alternative to explain why the worst are so many and the best so few. If the second is the only explanation then obviously the argument of the Mahatma that a religion should be judged by its best followers carries us nowhere except to pity the lot of the many who have gone wrong because they have been made to worship wrong ideals.

V

The argument of the Mahatma that Hinduism would be tolerable if only many were to follow the example of the saints is fallacious for another reason.* By citing the names of such illustrious persons as Chaitanya etc. what the Mahatma seems to me to suggest in its broadest and simplest form is that Hindu society can be made tolerable and even happy without any fundamental change in its structure if all the high caste Hindus can be persuaded to follow a high standard of morality in their dealings with the low caste Hindus. I am totally opposed to this kind of ideology. I can respect those of the caste Hindus who try to realize a high social ideal in their life. Without such men India would be an uglier and a less happy place to live in than it is. But nonetheless anyone who relies on an attempt to turn the members of the caste Hindus into better men by improving their personal character is in my judgment wasting his energy and hugging an illusion. Can personal character make the maker of armaments a good man, *i.e.* a man who will sell shells that will not burst and gas that will not poison? If it cannot, how can you accept personal character to make a man loaded with the consciousness of Caste, a good man, *i.e.* a man who would treat his fellows as his friends and equals? To be true to himself he must deal with his fellows either as a superior or inferior according as the case may be; at any rate, differently from his own caste fellows. He can never be expected to deal with his fellows as his kinsmen and equals. As a matter of fact, a Hindu does treat all those who are not of his Caste as though they were aliens, who could be discriminated against with impunity and against whom any fraud or trick may be practised without shame. *This is to say that there can be a better or a worse Hindu. But a good Hindu there cannot be.* This is so not because there is anything wrong with his personal character. In fact what is wrong is the entire basis of his relationship to his fellows. The best of men cannot be moral if the basis of relationship between them and their fellows is fundamentally a wrong relationship. To a slave his master may be better or worse. But there cannot be a good master. A good man cannot be a master and a master cannot be a good man. The same applies to the relationship between high caste and low caste. To a low caste man a high caste man can be better or worse as compared to other high caste men. A high caste man cannot be a good man in so far as he must have a low caste man to distinguish him as high caste man. It cannot be good to a low caste man to be conscious that there is a high caste man above him. I have argued in my speech that a society based on *Varna* or Caste is a society which is based on a wrong relationship. I had hoped that the Mahatma would attempt to demolish my argument. But instead of doing that he has merely reiterated his belief in Chaturvarnya without disclosing the ground on which it is based

* In this connection see illuminating article on *Morality and the Social Structure* by Mr. H. N. Brailsford in the Aryan Path for April 1936.

VI

Does the Mahatma practise what he preaches ? One does not like to make personal reference in an argument which is general in its application. But when one preaches a doctrine and holds it as a dogma there is a curiosity to know how far he practises what he preaches. It may be that his failure to practise is due to the ideal being too high to be attainable ; it may be that his failure to practise is due to the innate hypocrisy of the man. In any case he exposes his conduct to examination and I must not be blamed if I asked how far has the Mahatma attempted to realize his ideal in his own case. The Mahatma is a Bania by birth. His ancestors had abandoned trading in favour of ministership which is a calling of the Brahmins. In his own life, before he became a Mahatma, when occasion came for him to choose his career he preferred law to scales. On abandoning law he became half saint and half politician. He has never touched trading which is his ancestral calling. His youngest son—I take one who is a faithful follower of his father—born a Vaishya has married a Brahmin's daughter and has chosen to serve a newspaper magnate. The Mahatma is not known to have condemned him for not following his ancestral calling. It may be wrong and uncharitable to judge an ideal by its worst specimens. But surely the Mahatma as a specimen has no better and if he even fails to realize the ideal then the ideal must be an impossible ideal quite opposed to the practical instincts of man. Students of Carlyle know that he often spoke on a subject before he thought about it. I wonder whether such has not been the case with the Mahatma in regard to the subject matter of Caste. Otherwise certain questions which occur to me would not have escaped him. When can a calling be deemed to have become an ancestral calling so as to make it binding on a man ? Must man follow his ancestral calling even if it does not suit his capacities, even when it has ceased to be profitable ? Must a man live by his ancestral calling even if he finds it to be immoral ? If every one must pursue his ancestral calling then it must follow that a man must continue to be a pimp because his grandfather was a pimp and a woman must continue to be a prostitute because her grandmother was a prostitute. Is the Mahatma prepared to accept the logical conclusion of his doctrine ? To me his ideal of following one's ancestral calling is not only an impossible and impractical ideal, but it is also morally an indefensible ideal.

VII

The Mahatma sees great virtue in a Brahmin remaining a Brahmin all his life. Leaving aside the fact there are many Brahmins who do not like to remain Brahmins all their lives. What can we say about those Brahmins who have clung to their ancestral calling of priesthood ? Do they do so from any faith in the virtue of the principle of ancestral calling or do they do so from motives of filthy lucre ? The Mahatma does not seem to concern himself with such queries. He is satisfied that these are "real Brahmins who are living on alms

freely given to them and giving freely what they have of spiritual treasures". This is how a hereditary Brahmin priest appears to the Mahatma—a carrier of spiritual treasures. But another portrait of the hereditary Brahmin can also be drawn. A Brahmin can be a priest to Vishnu—the God of Love. He can be a priest to Shankar—the God of Destruction. He can be a priest at Buddha Gaya worshipping Buddha—the greatest teacher of mankind who taught the noblest doctrine of Love. He also can be a priest to Kali, the Goddess, who must have a daily sacrifice of an animal to satisfy her thirst for blood ; He will be a priest of the temple of Rama—the Kshatriya God! He will also be a priest of the Temple of Parshuram, the God who took Avatar to destroy the Kshatriyas ! He can be a priest to Bramha, the Creator of the world. He can be a priest to a Pir whose God Allah will not brook the claim of Bramha to share his spiritual dominion over the world! No one can say that this is a picture which is not true to life. If this is a true picture one does not know what to say of this capacity to bear loyalties to Gods and Goddesses whose attributes are so antagonistic that no honest man can be a devotee to all of them. The Hindus rely upon this extraordinary phenomenon as evidence of the greatest virtue of their religion—namely its catholicity, its spirit of toleration. As against this facile view, it can be urged that what is toleration and catholicity may be really nothing more creditable than indifference or flaccid latitudinarianism. These two attitudes are hard to distinguish in their outer seeming. But they are so vitally unlike in their real quality that no one who examines them closely can mistake one for the other. That a man is ready to render homage to many Gods and Goddesses may be cited as evidence of his tolerant spirit. But can it not also be evidence of insincerity born of a desire to serve the times ? I am sure that this toleration is merely insincerity. If this view is well founded, one may ask what spiritual treasure can there be with a person who is ready to be a priest and a devotee to any deity which it serves his purpose to worship and to adore ? Not only must such a person be deemed to be bankrupt of all spiritual treasures but for him to practice so elevating a profession as that of a priest simply because it is ancestral, without faith, without belief, merely as a mechanical process handed down from father to son, is not a conservation of virtue; it is really the prostitution of a noble profession which is no other than the service of religion.

VIII

Why does the Mahatma cling to the theory of every one following his or her ancestral calling ? He gives his reasons nowhere. But there must be some reason although he does not care to avow it. Years ago writing on "Caste *versus* Class" in his *Young India* he argued that Caste System was better than Class System on the ground that caste was the best possible adjustment of social stability. If that be the reason why the Mahatma clings to the theory of every

one following his or her ancestral calling, then he is clinging to a false view of social life. Everybody wants social stability and some adjustment must be made in the relationship between individuals and classes in order that stability may be had. But two things, I am sure nobody wants. One thing nobody wants is static relationship, something that is unalterable, something that is fixed for all times. Stability is wanted but not at the cost of change when change is imperative. Second thing nobody wants is mere adjustment. Adjustment is wanted but not at the sacrifice of social justice. Can it be said that the adjustment of social relationship on the basis of caste *i.e.* on the basis of each to his hereditary calling avoids these two evils? I am convinced that it does not. Far from being the best possible adjustment I have no doubt that it is of the worst possible kind inasmuch as it offends against both the canons of social adjustment—namely fluidity and equity.

IX

Some might think that the Mahatma has made much progress inasmuch as he now only believes in *Varna* and does not believe in Caste. It is true that there was a time when the Mahatma was a full-blooded and a blue-blooded Sanatani Hindu. He believed in the *Vedas*, the *Upanishads*, the *Puranas* and all that goes by the name of Hindu scriptures and therefore in *avatars* and rebirth. He believed in Caste and defended it with the vigour of the orthodox. He condemned the cry for inter-dining, inter-drinking and inter-marrying and argued that restraints about inter-dining to a great extent “helped the cultivation of will-power and the conservation of certain social virtue”. It is good that he has repudiated this sanctimonious nonsense and admitted that caste “is harmful both to spiritual and national growth,” and may be, his son’s marriage outside his caste has had something to do with this change of view. But has the Mahatma really progressed? What is the nature of the *Varna* for which the Mahatma stands? Is it the *Vedic* conception as commonly understood and preached by Swami Dayanand Saraswati and his followers, the Arya Samajists? The essence of the *Vedic* conception of *Varna* is the pursuit of a calling which is appropriate to one’s natural aptitude. The essence of the Mahatma’s conception of *Varna* is the pursuit of ancestral calling irrespective of natural aptitude. What is the difference between Caste and *Varna* as understood by the Mahatma? I find none. As defined by the Mahatma, *Varna* becomes merely a different name for Caste for the simple reason that it is the same in essence—namely pursuit of ancestral calling. Far from making progress the Mahatma has suffered retrogression. By putting this interpretation upon the *Vedic* conception of *Varna* he has really made ridiculous what was sublime. While I reject the *Vedic Varnavyavastha* for reasons given in the speech I must admit that the *Vedic* theory of *Varna* as interpreted by Swami Dayanand and some others is a sensible and an inoffensive thing. It did not admit birth as a determining factor in fixing

the place of an individual in society. It only recognized worth. The Mahatma's view of *Varna* not only makes nonsense of the *Vedic Varna* but it makes it an abominable thing. *Varna* and Caste are two very different concepts. *Varna* is based on the principle of each according to his worth-while Caste is based on the principle of each according to his birth. The two are as distinct as chalk is from cheese. In fact there is an antithesis between the two. If the Mahatma believes as he does in every one following his or her ancestral calling, then most certainly he is advocating the Caste System and that in calling it the *Varna* System he is not only guilty of terminological inexactitude, but he is causing confusion worse confounded. I am sure that all his confusion is due to the fact that the Mahatma has no definite and clear conception as to what is *Varna* and what is Caste and as to the necessity of either for the conservation of Hinduism. He has said and one hopes that he will not find some mystic reason to change his view that caste is not the essence of Hinduism. Does he regard *Varna* as the essence of Hinduism? One cannot as yet give any categorical answer. Readers of his article on "Dr. Ambedkar's Indictment" will answer "No". In that article he does not say that the dogma of *Varna* is an essential part of the creed of Hinduism. Far from making *Varna* the essence of Hinduism he says "the essence of Hinduism is contained in its enunciation of one and only God as Truth and its bold acceptance of Ahimsa as the law of the human family" But the readers of his article in reply to Mr. Sant Ram will say "Yes". In that article he says "How can a Muslim remain one if he rejects the Quran, or a Christian remain as Christian if he rejects the Bible? If Caste and *Varna* are convertible terms and if *Varna* is an integral part of the *Shastras* which define Hinduism I do not know how a person who rejects Caste, *i.e.* *Varna* can call himself a Hindu?" Why this prevarication? Why does the Mahatma hedge? Whom does he want to please? Has the saint failed to sense the truth? Or does the politician stand in the way of the Saint? The real reason why the Mahatma is suffering from this confusion is probably to be traced to two sources. The first is the temperament of the Mahatma. He has almost in everything the simplicity of the child with the child's capacity for self-deception. Like a child he can believe in anything he wants to believe. We must therefore wait till such time as it pleases the Mahatma to abandon his faith in *Varna* as it has pleased him to abandon his faith in Caste. The second source of confusion is the double role which the Mahatma wants to play—of a Mahatma and a Politician. As a Mahatma he may be trying to spiritualize Politics. Whether he has succeeded in it or not Politics have certainly commercialized him. A politician must know that Society cannot bear the whole truth and that he must not speak the whole truth; if he is speaking the whole truth it is bad for his politics. The reason why the Mahatma is always supporting Caste and *Varna* is because he is afraid that if he opposed them he will lose his place in politics. Whatever may be the source of this confusion the

Mahatma must be told that he is deceiving himself and also deceiving the people by preaching Caste under the name of *Varna*.

X

The Mahatma says that the standards I have applied to test Hindus and Hinduism are too severe and that judged by those standards every known living faith will probably fail. The complaint that my standards are high may be true. But the question is not whether they are high or whether they are low. The question is whether they are the right standards to apply. A People and their Religion must be judged by social standards based on social ethics. No other standard would have any meaning if religion is held to be a necessary good for the well-being of the people. Now I maintain that the standards I have applied to test Hindus and Hinduism are the most appropriate standards and that I know of none that are better. The conclusion that every known religion would fail if tested by my standards may be true. But this fact should not give the Mahatma as the champion of Hindus and Hinduism a ground for comfort any more than the existence of one madman should give comfort to another madman or the existence of one criminal should give comfort to another criminal. I like to assure the Mahatma that it is not the mere failure of the Hindus and Hinduism which has produced in me the feelings of disgust and contempt with which I am charged. I realize that the world is a very imperfect world and any one who wants to live in it must bear with its imperfections. But while I am prepared to bear with the imperfections and shortcomings of the society in which I may be destined to labour, I feel I should not consent to live in a society which cherishes wrong ideals or a society which having right ideals will not consent to bring its social life in conformity with those ideals. If I am disgusted with Hindus and Hinduism it is because I am convinced that they cherish wrong ideals and live a wrong social life. My quarrel with Hindus and Hinduism is not over the imperfections of their social conduct. It is much more fundamental. It is over their ideals.

XI

Hindu society seems to me to stand in need of a moral regeneration which it is dangerous to postpone. And the question is who can determine and control this moral regeneration ? Obviously only those who have undergone an intellectual regeneration and those who are honest enough to have the courage of their convictions born of intellectual emancipation. Judged by this standard the Hindu leaders who count are in my opinion quite unfit for the task. It is impossible to say that they have undergone the preliminary intellectual regeneration. If they had undergone an intellectual regeneration they would neither delude themselves in the simple way of the untaught multitude nor would they take advantage of the primitive ignorance of others as one sees them doing. Notwithstanding the crumbling state of Hindu society these

leaders, will nevertheless unblushingly appeal to ideals of the past which have in every way ceased to have any connection with the present; which however suitable they might have been in the days of their origin have now become a warning rather than a guide. They still have a mystic respect for the earlier forms which make them disinclined—nay opposed to any examination of the foundations of their Society. The Hindu masses are of course incredibly heedless in the formation of their beliefs. But so are the Hindu leaders. And what is worse is that these Hindu leaders become filled with an illicit passion for their beliefs when any one proposes to rob them of their companionship. The Mahatma is no exception. The Mahatma appears not to believe in thinking. He prefers to follow the saints. Like a conservative with his reverence for consecrated notions he is afraid that if he once starts thinking, many ideals and institutions to which he clings will be doomed. One must sympathize with him. For every act of independent thinking puts some portion of apparently stable world in peril. But it is equally true that dependence on saints cannot lead us to know the truth. The saints are after all only human beings and, as Lord Balfour said, “the human mind is no more a truth finding apparatus than the snout of a pig”. In so far as he does think, to me he really appears to be prostituting his intelligence to find reasons for supporting this archaic social structure of the Hindus. He is the most influential apologist of it and therefore the worst enemy of the Hindus.

Unlike the Mahatma there are Hindu leaders who are not content merely to believe and follow. They dare to think, and act in accordance with the result of their thinking. But unfortunately they are either a dishonest lot or an indifferent lot when it comes to the question of giving right guidance to the mass of the people. Almost every Brahmin has transgressed the rule of Caste. The number of Brahmins who sell shoes is far greater than those who practise priesthood. Not only have the Brahmins given up their ancestral calling of priesthood for trading but they have entered trades which are prohibited to them by the *Shastras*. Yet how many Brahmins who break Caste every day will preach against Caste and against the *Shastras*? For one honest Brahmin preaching against Caste and *Shastras* because his practical instinct and moral conscience cannot support a conviction in them, there are hundreds who break Caste and trample upon the *Shastras* every day but who are the most fanatic upholders of the theory of Caste and the sanctity of the *Shastras*. Why this duplicity? Because they feel that if the masses are emancipated from the yoke of Caste they would be a menace to the power and prestige of the Brahmins as a class. The dishonesty of this intellectual class who would deny the masses the fruits of their thinking is a most disgraceful phenomenon.

The Hindus in the words of Mathew Arnold are “wandering between two worlds, one dead, the other powerless to be born”. What are they to do? The

Mahatma to whom they appeal for guidance does not believe in thinking and can therefore give no guidance which can be said to stand the test of experience. The intellectual classes to whom the masses look for guidance are either too dishonest or too indifferent to educate them in the right direction. We are indeed witnesses to a great tragedy. In the face of this tragedy all one can do is to lament and say—such be thy Leaders, O! Hindus.

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PART I

Philosophy of Hinduism

This script on Philosophy of Hinduism was found as a well-bound copy which we feel is complete by itself. The whole script seems to be a Chapter of one big scheme. This foolscap original typed copy consists of 169 pages.—
Editors

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CHAPTER 1

Philosophy of Hinduism

I

What is the philosophy of Hinduism ? This is a question which arises in its logical sequence. But apart from its logical sequence its importance is such that it can never be omitted from consideration. Without it no one can understand the aims and ideals of Hinduism.

It is obvious that such a study must be preceded by a certain amount of what may be called clearing of the ground and defining of the terms involved.

At the outset it may be asked what does this proposed title comprehend ? Is this title of the Philosophy of Hinduism of the same nature as that of the Philosophy of Religion ? I wish I could commit myself one way or the other on this point. Indeed I cannot. I have read a good deal on the subject, but I confess I have not got a clear idea of what is meant by Philosophy of Religion. This is probably due to two facts. In the first place while religion is something definite, there is nothing definite¹ as to what is to be included in the term philosophy. In the second place Philosophy and Religion have been adversaries if not actual antagonists as may be seen from the story of the philosopher and the theologian. According to the story, the two were engaged in disputation and the theologian accused the philosopher that he was “like a blind man in a dark room, looking for a black cat which was not there”. In reply the philosopher charged the theologian saying that “he was like a blind man in the dark room, looking for a black cat which was not there but he declared to have found there” Perhaps it is the unhappy choice of the title — Philosophy of Religion—which is responsible for causing confusion in the matter of the exact definition of its field. The nearest approach to an intelligible statement as to the exact subject matter of Philosophy of Religion I find in Prof. Pringle-Pattison who observes² :—

¹ See Article on ‘Philosophy’ in Munro’s Encyclopaedia of Education.

² The Philosophy of Religion. Oxf. pages 1-2.

“A few words may be useful at the outset as an indication of what we commonly mean by the Philosophy of Religion. Philosophy was described long ago by Plato as the synoptic view of things. That is to say, it is the attempt to see things together - to keep all the main features of the world in view, and to grasp them in their relation to one another as parts of one whole. Only thus can we acquire a sense of proportion and estimate aright the significance of any particular range of facts for our ultimate conclusions about the nature of the world-process and the world-ground. Accordingly, the philosophy of any particular department of experience, the Philosophy of Religion, the Philosophy of Art, the Philosophy of Law, is to be taken as meaning an analysis and interpretation of the experience in question in its bearing upon our view of man and the world in which he lives. And when the facts upon which we concentrate are so universal, and in their nature so remarkable, as those disclosed by the history of religion—the philosophy of man’s religious experience—cannot but exercise a determining influence upon our general philosophical conclusions. In fact with many writers the particular discussion tends to merge in the more general.”

“The facts with which a philosophy of religion has to deal are supplied by the history of religion, in the most comprehensive sense of that term. As Tiele puts it, “all religions of the civilized and uncivilised world, dead and living”, is a ‘historical and psychological phenomenon’ in all its manifestations. These facts, it should be noted, constitute the data of the philosophy of religion; they do not themselves constitute a ‘philosophy’ or, in Tiele’s use of the term, a ‘science’ of religion. ‘If’, he says, ‘I have minutely described all the religions in existence, their doctrines, myths and customs, the observances they inculcate and the organization of their adherents, tracing the different religions from their origin to their bloom and decay, I have merely collected the materials with which the science of religion works’. ‘The historical record, however complete, is not enough; pure history is not philosophy. To achieve a philosophy of religion we should be able to discover in the varied manifestations a common principle to whose roots in human nature we can point, whose evolution we can trace by itelligible stages from lower to higher and more adequate forms, as well as its intimate relations with the other main factors in human civilization”.

If this is Philosophy of Religion it appears to me that it is merely a different name for that department of study which is called comparative religion with the added aim of discovering a common

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principle in the varied manifestations of religion. Whatever be the scope and value of such a study, I am using the title Philosophy of Religion to denote something quite different from the sense and aim given to it by Prof. Pringle-Pattison. I am using the word Philosophy in its original sense which was two-fold. It meant teachings as it did when people spoke of the philosophy of Socrates or the philosophy of Plato. In another sense it meant critical reason used in passing judgments upon things and events. Proceeding on this basis Philosophy of Religion is to me not a merely descriptive science. I regard it as being both descriptive as well as normative. In so far as it deals with the teachings of a Religion, Philosophy of Religion becomes a descriptive science. In so far as it involves the use of critical reason for passing judgment on those teachings, the Philosophy of Religion becomes a normative science. From this it will be clear what I shall be concerned with in this study of the Philosophy of Hinduism. To be explicit I shall be putting Hinduism on its trial to assess its worth as away of life.

Here is one part of the ground cleared. There remains another part to be cleared. That concerns the ascertainment of the factors concerned and the definitions of the terms I shall be using.

A study of the Philosophy of Religion it seems to me involves the determination of three dimensions. I call them dimensions because they are like the unknown quantities contained as factors in a product. One must ascertain and define these dimensions of the Philosophy of Religion if an examination of it is to be fruitful.

Of the three dimensions, Religion is the first. One must therefore define what he understands by religion in order to avoid argument being directed at cross purposes. This is particularly necessary in the case of Religion for the reason that there is no agreement as to its exact definition. This is no place to enter upon an elaborate consideration of this question. I will therefore content myself by stating the meaning in which I am using the word in the discussion which follows.

I am using the word Religion to mean Theology. This will perhaps be insufficient for the purposes of definition. For there are different kinds of Theologies and I must particularize which one I mean. Historically there have been two Theologies spoken of from ancient times. *Mythical* theology and *Civil* theology. The Greeks who distinguished them gave each a definite content. By Mythical theology they meant the tales of gods and their doings told in or implied by current imaginative literature. Civil theology according to them consisted of the knowledge of the various feasts and fasts of the State

Calendar and the ritual appropriate to them. I am not using the word theology in either of these two senses of that word. I mean by theology *natural theology* which is the doctrine of God and the divine, as an integral part of the theory of nature. As traditionally understood there are three thesis which 'natural theology' propounds. (1) That God exists and is the author of what we call nature or universe (2) That God controls all the events which make nature and (3) God exercises a government over mankind in accordance with his sovereign moral law.

I am aware there is another class of theology known as *Revealed Theology*—spontaneous self disclosure of divine reality—which may be distinguished from *Natural theology*. But this distinction does not really matter. For as has been pointed out² that a revelation may either "leave the results won by *Natural theology* standing without modifications, merely supplementing them by further knowledge not attainable by unassisted human effort" or it "may transform *Natural theology* in such a way that all the truths of natural theology would acquire richer and deeper meaning when seen in the light of a true revelation." But the view that a genuine *natural theology* and a genuine *revelational theology* might stand in real contradiction may be safely excluded as not being possible.

Taking the three thesis of Theology namely (1) the existence of God, (2) God's providential government of the universe and (3) God's moral government of mankind, I take Religion to mean the propounding of an ideal scheme of divine governance the aim and object of which is to make the social order in which men live a moral order. This is what I understand by Religion and this is the sense in which I shall be using the term Religion in this discussion.

The second dimension is to know the ideal scheme for which a Religion stands. To define what is the fixed, permanent and dominant part in the religion of any society and to separate its essential characteristics from those which are unessential is often very difficult. The reason for this difficulty in all probability lies in the difficulty pointed out by Prof. Robertson Smith³ when he says:—

"The traditional usages of religion had grown up gradually in the course of many centuries, and reflected habits of thought, characteristic of very diverse stages of man's intellectual and moral development. No conception of the nature of the gods could possibly afford the clue to all parts of that motley complex of rites and ceremonies which the later paganism had received by

¹ Natural Theology as a distinct department of study owes its origin to Plato—see Laws.

² A. E. Taylor. "The Faith of a Moralist" p. 19.

³ The Religion of the Semites (1927)

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inheritance, from a series of ancestors in every state of culture from pure savagery upwards. The record of the religious thought of mankind, as it is embodied in religious institutions, resembles the geological record of the history of the earth's crust; the new and the old are preserved side by side, or rather layer upon layer”.

The same thing has happened in India. Speaking about the growth of Religion in India, says Prof. Max Muller :—

“We have seen a religion growing up from stage to stage, from the simplest childish prayers to the highest metaphysical abstractions. In the majority of the hymns of the Veda we might recognise the childhood; in the Brahmanas and their sacrificial, domestic and moral ordinances the busy manhood; in the Upanishads the old age of the Vedic religion. We could have well understood if, with the historical progress of the Indian mind, they had discarded the purely childish prayers as soon as they had arrived at the maturity of the Brahmanas; and if, when the vanity of sacrifices and the real character of the old gods had once been recognised, they would have been superseded by the more exalted religion of the Upanishads. But it was not so. Every religious thought that had once found expression in India, that had once been handed down as a sacred heirloom, was preserved, and the thoughts of the three historical periods, the childhood, the manhood, and the old age of the Indian nation, were made to do permanent service in the three stages of the life of every individual. Thus alone can we explain how the same sacred code, the Veda, contains not only the records of different phases of religious thought, but of doctrines which we may call almost diametrically opposed to each other.”

But this difficulty is not so great in the case of Religions which are *positive* religions. The fundamental characteristic of *positive* Religions, is that they have not grown up like primitive religions, under the action of unconscious forces operating silently from age to age, but trace their origin to the teaching of great religious innovators, who spoke as the organs of a divine revelation. Being the result of conscious formulations the philosophy of a religion which is positive is easy to find and easy to state. Hinduism like Judaism, Christianity and Islam is in the main a positive religion. One does not have to search for its scheme of divine governance. It is not like an unwritten constitution. On the Hindu scheme of divine governance is enshrined in a written constitution and any one who cares to know it will find it laid bare in that Sacred Book called the Manu Smriti, a divine Code which lays down the rules which govern the religious, ritualistic and social life of

the Hindus in minute detail and which must be regarded as the Bible of the Hindus and containing the philosophy of Hinduism.

The third dimension in the philosophy of religion is the criterion¹ to be adopted for judging the value of the ideal scheme of divine governance for which a given Religion stands. Religion must be put on its trial. By what criterion shall it be judged? That leads to the definition of the norm. Of the three dimensions this third one is the most difficult one to be ascertained and defined.

Unfortunately the question does not appear to have been tackled although much has been written on the philosophy of Religion and certainly no method has been found for satisfactorily dealing with the problem. One is left to one's own method for determining the issue. As for myself I think it is safe to proceed on the view that to know the philosophy of any movement or any institution one must study the revolutions which the movement or the institution has undergone. Revolution is the mother of philosophy and if it is not the mother of philosophy it is a lamp which illuminates philosophy. Religion is no exception to this rule. To me therefore it seems quite evident that the best method to ascertain the criterion by which to judge the philosophy of Religion is to study the Revolutions which religion has undergone. That is the method which I propose to adopt.

Students of History are familiar with one Religious Revolution. That Revolution was concerned with the sphere of Religion and the extent of its authority. There was a time when Religion had covered the whole field of human knowledge and claimed infallibility for what it taught. It covered astronomy and taught a theory of the universe according to which the earth is at rest in the centre of the universe, while the sun, moon, planets and system of fixed stars revolve round it each in its own sphere. It included biology and geology and propounded the view that the growth of life on the earth had been created all at once and had contained from the time of creation onwards, all the heavenly bodies that it now contains and all kinds of animals of plants. It claimed medicine to be its province and taught that disease was either a divine visitation as punishment for sin or it was the work of demons and that it could be cured by the intervention of saints, either in person or through their holy relics; or by prayers or

¹ Some students of the Philosophy of Religion seem to regard the study of the first two dimensions as all that the field of Philosophy of religion need include. They do not seem to recognize that a consideration of the third dimension is necessary part of the study of the Philosophy of Religion. As an illustration of this see the Article on Theology by Mr. D. S. Adamas in 'Hastings Encyclopedea of Religion and Ethics' Volume XII page 393. I dissent from this view. The difference is probably due to the fact that I regard Philosophy of Religion as a normative study and as a descriptive study. I do not think that there can be such a thing as a general Philosophy of Religion. I believe each Religion has its particular philosophy. To me there is no Philosophy of Religion. There is a philosophy of a Religion.

pilgrimages; or (when due to demons) by exorcism and by treatment which the demons (and the patient) found disgusting. It also claimed physiology and psychology to be its domain and taught that the body and soul were two distinct substances.

Bit by bit this vast Empire of Religion was destroyed. The Copernican Revolution freed astronomy from the domination of Religion. The Darwinian Revolution freed biology and geology from the trammels of Religion. The authority of theology in medicine is not yet completely destroyed. Its intervention in medical questions still continues. Opinion on such subjects as birth-control, abortion and sterilization of the defective are still influenced by theological dogmas. Psychology has not completely freed itself from its entanglements. None the less Darwinism was such a severe blow that the authority of theology was shattered all over to such an extent that it never afterwards made any serious effort to remain its lost empire.

It is quite natural that this disruption of the Empire of Religion should be treated as a great Revolution. It is the result of the warfare which science waged against theology for 400 years, in which many pitched battles were fought between the two and the excitement caused by them was so great that nobody could fail to be impressed by the revolution that was blazing on.

There is no doubt that this religious revolution has been a great blessing. It has established freedom of thought. It has enabled society “to assume control of itself, making its own the world it once shared with superstition, facing undaunted the things of its former fears, and so carving out for itself, from the realm of mystery in which it lies, a sphere of unhampered action and a field of independent thought”. The process of secularisation is not only welcomed by scientists for making civilization—as distinguished from culture—possible, even Religious men and women have come to feel that much of what theology taught was unnecessary and a mere hindrance to the religious life and that this chopping of its wild growth was a welcome process.

But for ascertaining the norm for judging the philosophy of Religion we must turn to another and a different kind of Revolution which Religion has undergone. That Revolution touches the nature and content of ruling conceptions of the relations of God to man, of Society to man and of man to man. How great was this revolution can be seen from the differences which divide savage society from civilised society.

Strange as it may seem no systematic study of this Religious Revolution has so far been made. None the less this Revolution is so great and so immense that it has brought about a complete

transformation in the nature of Religion as it is taken to be by savage society and by civilized society although very few seem to be aware of it.

To begin with the comparison between savage society and civilized society.

In the religion of the savage one is struck by the presence of two things. First is the performance of rites and ceremonies, the practice of magic or tabu and the worship of fetish or totem. The second thing that is noticeable is that the rites, ceremonies, magic, tabu, totem and fetish are conspicuous by their connection with certain occasions. These occasions are chiefly those which represent the crises of human life. The events such as birth, the birth of the first born, attaining manhood, reaching puberty, marriage, sickness, death and war are the usual occasions which are marked out for the performance of rites and ceremonies, the use of magic and the worship of the totem.

Students of the origin and history of Religion have sought to explain the origin and substance of religion by reference to either magic, tabu and totem and the rites and ceremonies connected therewith, and have deemed the occasions with which they are connected as of no account. Consequently we have theories explaining religion as having arisen in magic or as having arisen in *fetishism*. Nothing can be a greater error than this. It is true that savage society practises magic, believes in tabu and worships the totem. But it is wrong to suppose that these constitute the religion or form the source of religion. To take such a view is to elevate what is incidental to the position of the principal.

The principal thing in the Religion of the savage are the elemental facts of human existence such as life, death, birth, marriage etc. Magic, tabu, totem are things which are incidental. Magic, tabu, totem, fetish etc., are not the ends. They are only the means. The end is life and the preservation of life. Magic, tabu etc., are resorted to by the savage society not for their own sake but to conserve life and to *exercise* evil influences from doing harm to life. Thus understood the religion of the savage society was concerned with life and the preservation of life and it is these life processes which constitute the substance and source of the religion of the savage society. So great was the concern of the savage society for life and the preservation of life that it made them the basis of its religion. So central were the life processes in the religion of the savage society that everything which affected them became part of its religion. The ceremonies of the savage society were not only concerned with the events of birth, attaining of manhood, puberty, marriage, sickness, death and war they were also concerned with food. Among pastoral peoples the flocks and herds are sacred. Among

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agricultural peoples seed time and harvest are marked by ceremonials performed with some reference to the growth and the preservation of the crops. Likewise drought, pestilence, and other strange, irregular phenomena of nature occasion the performance of ceremonials. Why should such occasions as harvest and famine be accompanied by religious ceremonies? Why is magic, tabu, totem be of such importance to the savage. The only answer is that they all affect the preservation of life. The process of life and its preservation form the main purpose. Life and preservation of life is the core and centre of the Religion of the savage society. As pointed out by Prof. Crawley the religion of the savage begins and ends with the affirmation and conservation of life.

In life and preservation of life consists the religion of the savage. What is however true of the religion of the savage is true of all religions wherever they are found for the simple reason that constitutes the essence of religion. It is true that in the present day society with its theological refinements this essence of religion has become hidden from view and is even forgotten. But that life and the preservation of life constitute the essence of religion even in the present day society is beyond question. This is well illustrated by Prof. Crowley. When speaking of the religious life of man in the present day society, he says how—

“a man’s religion does not enter into his professional or social hours, his scientific or artistic moments; practically its chief claims are settled on one day in the week from which ordinary worldly concerns are excluded. In fact, his life is in two parts; but the moiety with which religion is concerned is the elemental. Serious thinking on ultimate questions of life and death is, roughly speaking, the essence of his Sabbath; add to this the habit of prayer, giving the thanks at meals, and the subconscious feeling that birth and death, continuation and marriage are rightly solemnized by religion, while business and pleasure may possibly be consecrated, but only metaphorically or by an overflow of religious feeling.”

Comparing this description of the religious concerns of the man in the present day society with that of the savage, who can deny that the religion is essentially the same, both in theory and practice whether one speaks of the religion of the savage society or of the civilized society.

It is therefore clear that savage and civilized societies agree in one respect. In both the central interests of religion—namely in the life processes by which individuals are preserved and the race

maintained—are the same. In this there is no real difference between the two. But they differ in two other important respects.

In the first place in the religion of the savage society there is no trace of the idea of God. In the second place in the religion of the savage society there is no bond between morality and Religion. In the savage society there is religion without God. In the savage society there is morality but it is independent of Religion.

How and when the idea of God became fused in Religion it is not possible to say. It may be that the idea of God had its origin in the worship of the Great Man in Society, the Hero—giving rise to theism—with its faith in its living God. It may be that the idea of God came into existence as a result of the purely philosophical speculation upon the problem as to who created life—giving rise to Deism—with its belief in God as Architect of the Universe. In any case the idea of God is not integral to Religion. How it got fused into Religion it is difficult to explain. With regard to the relation between Religion and Morality this much may be safely said. Though the relation between God and Religion is not quite integral, the relation between Religion and morality is. Both religion and morality are connected with the same elemental facts of human existence—namely life, death, birth and marriage. Religion consecrates these life processes while morality furnishes rules for their preservation. Religion in consecrating the elemental facts and processes of life came to consecrate also the rules laid down by Society for their preservation. Looked at from this point it is easily explained why the bond between Religion and Morality took place. It was more intimate and more natural than the bond between Religion and God. But when exactly this fusion between Religion and Morality took place it is not easy to say.

Be that as it may, the fact remains that the religion of the Civilized Society differs from that of the Savage Society into two important features. In civilized society God comes in the scheme of Religion. In civilized society morality becomes sanctified by Religion.

This is the first stage in the Religious Revolution I am speaking of. This Religious Revolution must not be supposed to have been ended here with the emergence of these two new features in the development of religion. The two ideas having become part of the constitution of the Religion of the Civilized Society have undergone further changes which have revolutionized their meaning and their moral significance. The second stage of the Religious Revolution marks a very radical change. The contrast is so big that civilized society has become split

That the idea of God has evolved from both these directions is well illustrated by Hinduism. Compare the idea of Indra as God and the idea of Bramha as God.

into two, antique society and modern society, so that instead of speaking of the religion of the civilized society it becomes necessary to speak of the religion of antique society as against the religion of modern society.

The religious revolution which marks off antique society from modern society is far greater than the religious revolution which divides savage society from civilized society. Its dimensions will be obvious from the differences it has brought about in the conceptions regarding the relations between God, Society and Man.

The first point of difference relates to the composition of society.

Every human being, without choice on his own part, but simply in virtue of his birth and upbringing, becomes a member of what we call a *natural* society. He belongs that is to a certain family and a certain nation. This membership lays upon him definite obligations and duties which he is called upon to fulfil as a matter of course and on pain of social penalties and disabilities while at the same time it confers upon him certain social rights and advantages. In this respect the ancient and modern worlds are alike. But in the words of Prof. Smith¹:—

“There is this important difference, that the tribal or national societies of the ancient world were not strictly natural in the modern sense of the word, for the gods had their part and place in them equally with men. The circle into which a man was born was not simply a group of kinsfolk and fellow citizens, but embraced also certain divine beings, the gods of the family and of the state, which to the ancient mind were as much a part of the particular community with which they stood connected as the human members of the social circle. The relation between the gods of antiquity and their worshippers was expressed in the language of human relationship, and this language was not taken in a figurative sense but with strict literality. If a god was spoken of as father and his worshippers as his offsprings, the meaning was that the worshippers were literally of his stock, that he and they made up one natural family with reciprocal family duties to one another. Or, again, if the god was addressed as king, and worshippers called themselves his servants, they meant that the supreme guidance of the state was actually in his hands, and accordingly the organisation of the state included provision for consulting his will and obtaining his direction in all weighty matters, also provision for approaching him as king with due homage and tribute.

“Thus a man was born into a fixed relation to certain gods as surely as he was born into relation to his fellow men; and his

¹ Smith *Ibid*

religion, that is, the part of conduct which was determined by his relation to the gods, was simply one side of the general scheme of conduct prescribed for him by his position as a member of society. There was no separation between the spheres of religion and of ordinary life. Every social act had a reference to the gods as well as to men, for the social body was not made up of men only, but of gods and men.”

Thus in ancient Society men and their Gods formed a social and political as well as a religious whole. Religion was founded on kinship between the God and his worshippers. Modern Society has eliminated God from its composition. It consists of men only.

The second point of difference between antique and modern society relates to the bond between God and Society. In the antique world the various communities

“believed in the existence of many Gods, for they accepted as real the Gods of their enemies as well as their own, but they did not worship the strange Gods from whom they had no favour to expect, and on whom their gifts and offerings would have been thrown away.... Each group had its own God, or perhaps a God and Goddess, to whom the other Gods bore no relation whatever.”¹

The God of the antique society was an exclusive God. God was owned by and bound to one singly community. This is largely to be accounted for by

“the share taken by the Gods in the feuds and wars of their worshippers. The enemies of the God and the enemies of his people are identical; even in the Old Testament ‘the enemies of Jehovah’ are originally nothing else than the enemies of Israel. In battle each God fights for his own people, and to his aid success is ascribed; Chemosh gives victory to Moab, and Asshūr to Assyria; and often the divine image or symbol accompanies the host to battle. When the ark was brought into the camp of Israel, the Philistines said, “Gods are come into the camp; who can deliver us from their own practice, for when David defeated them at Baalperazim, part of the booty consisted in their idols which had been carried into the field. When the Carthaginians, in their treaty with Phillip of Macedon, speak of “the Gods that take part in the campaign, “they doubtless refer to the inmates of the sacred tent which was pitched in time of war beside the tent of the general, and before which prisoners were sacrificed after a victory. Similarly an Arabic poet says, “Yaguth went forth with us against Morad” ; that is, the image of the God Yaguth was carried into the fray”

Smith *Ibid*

This fact had produced a solidarity between God and the community.

“Hence, on the principle of solidarity between Gods and their worshippers, the particularism characteristic of political society could not but reappear in the sphere of religion. In the same measure as the God of a clan or town had indisputable claim to the reverence and service of the community to which he belonged, he was necessarily an enemy to their enemies and a stranger to those to whom they were strangers”.¹

God had become attached to a community, and the community had become attached to their God. God had become the God of the Community and the Community had become the chosen community of the God.

This view had two consequences. Antique Society never came to conceive that God could be universal God, the God of all. Antique Society never could conceive that there was any such thing as humanity in general.

The third point of difference between ancient and modern society, has reference to the conception of the fatherhood of God. In the antique Society God was the Father of his people but the basis of this conception of Fatherhood was deemed to be physical.

“In heathen religions the Fatherhood of the Gods is physical fatherhood. Among the Greeks, for example, the idea that the Gods fashioned men out of clay, as potters fashion images, is relatively modern. The older conception is that the races of men have Gods for their ancestors, or are the children of the earth, the common mother of Gods and men, so that men are really of the stock or kin of the Gods. That the same conception was familiar to the older Semites appears from the Bible. Jeremiah describes idolaters as saying to a stock, Thou art my father; and to a stone, Thou hast brought me forth. In the ancient poem, Num. xxi. 29, The Moabites are called the sons and daughters of Chemosh, and at a much more recent date the prophet Malachi calls a heathen woman “the daughter of a strange God”. These phrases are doubtless accommodations to the language which the heathen neighbours of Israel used about themselves. In Syria and Palestine each clan, or even complex of clans forming a small independent people, traced back its origin to a great first father; and they indicate that, just as in Greece this father or progenitor of the race was commonly identified with the God of the race. With this it accords that in the judgment of most modern enquirers several names of deities appear in the old genealogies of nations in the Book of Genesis. Edom,

¹Smith *Ibid*

for example, the progenitor of the Edomites, was identified by the Hebrews with Esau the brother of Jacob, but to the heathen he was a God, as appears from the theophorous proper name Obodedom, “worshipper of Edom”, the extant fragments of Phoenician and Babylonian cosmogonies date from a time when tribal religion and the connection of individual Gods with particular kindreds was forgotten or had fallen into the background. But in a generalised form the notion that men are the offspring of the Gods still held its ground. In the Phoenician cosmogony of Philo Bablius it does so in a confused shape, due to the authors euhemerism, that is, to his theory that deities are nothing more than deified men who had been great benefactors to their species. Again, in the Chaldaean legend preserved by Berosus, the belief that men are of the blood of the Gods is expressed in a form too crude not to be very ancient; for animals as well as men are said to have been formed out of clay mingled with the blood of a decapitated deity.”¹

This conception of blood kinship of Gods and men had one important consequence. To the antique world God was a human being and as such was not capable of absolute virtue and absolute goodness. God shared the physical nature of man and was afflicted with the passions infirmities and vices to which man was subject. The God of the antique world had all the wants and appetites of man and he often indulged in the vices in which many revelled. Worshipers had to implore God not to lead them into temptations.

In modern Society the idea of divine fatherhood has become entirely dissociated from the physical basis of natural fatherhood. In its place man is conceived to be created in the image of God; he is not deemed to be begotten by God. This change in the conception of the fatherhood of God looked at from its moral aspect has made a tremendous difference in the nature of God as a Governor of the Universe. God with his physical basis was not capable of absolute good and absolute virtue. With God wanting in righteousness the universe could not insist on righteousness as an immutable principle. This dissociation of God from physical contact with man has made it possible for God to be conceived of as capable of absolute good and absolute virtue.

The fourth point of difference relates to the part religion plays when a change of nationality takes place.

In the antique world there could be no change of nationality unless it was accompanied by a change of Religion. In the antique world,

¹Smith *Ibid*

“It was impossible for an individual to change his religion without changing his nationality, and a whole community could hardly change its religion at all without being absorbed into another stock or nation. Religions like political ties were transmitted from father to son; for a man could not choose a new God at will; the Gods of his fathers were the only deities on whom he could count as friendly and ready to accept his homage, unless he forswore his own kindred and was received into a new circle of civil as well as religious life.”

How change of religion was a condition precedent to a Social fusion is well illustrated by the dialogue between Naomi and Ruth in the Old Testament.

“Thy Sister” says Naomi to Ruth, “is gone back unto her people and unto her Gods”; and Ruth replies, “Thy people shall be my people and thy God my God.”

It is quite clear that in the ancient world a change of nationality involved a change of cult. Social fusion meant religious fusion.

In modern society abandonment of religion or acceptance of another is not necessary for social fusion. This is best illustrated by what is in modern terminology and naturalization, whereby the citizen of one state abandons his citizenship of the state and becomes a citizen of a new state. In this process of naturalization religion has no place. One can have a social fusion—which is another name for naturalization—without undergoing a religious fusion.

To distinguish modern society from antique society it is not enough to say that Modern Society consists of men only. It must be added that it consists of men who are worshippers of different Gods.

The fifth point of difference relates to the necessity of knowledge as to the nature of God as part of religion.

“From the antique point of view, indeed the question what the Gods are in themselves is not a religious but a speculative one; what is requisite to religion is a practical acquaintance with the rules on which the deity acts and on which he expects his worshippers to frame their conduct—what in 2 Kings xvii. 26 is called the “manner” or rather the “customary law” (misphat) of the God of the land. This is true even of the religion of Israel. When the prophets speak of the knowledge of the laws and principles of His government in Israel, and a summary expression for religion as a whole is “the knowledge and fear of Jehovah,” i.e. the knowledge of what Jehovah prescribes, combined with a reverent obedience. An extreme scepticism towards all religious speculation is recommended in the Book of Ecclesiastes as the proper attitude of

piety, for no amount of discussion can carry a man beyond the plain rule, to “fear God and keep His Commandments”. This counsel the author puts into the mouth of Solomon, and so represents it, not unjustly, as summing up the old view of religion, which in more modern days had unfortunately begun to be undermined.”

The sixth point of difference relates to the place of belief in Religion.

In ancient Society :—

“ritual and practical usages were, strictly speaking, the sum total of ancient religions. Religion in primitive times was not a system of belief with practical applications; it was a body of fixed traditional practices, to which every member of society conformed as a matter of courage. Men would not be men if they agreed to do certain things without having a reason for their action; but in ancient religion the reason was not first formulated as a doctrine and then expressed in practice, but conversely, practice preceded doctrinal theory. Men form general rule of conduct before they begin to express general principles in words; political institutions are older than political theories and in like manner religious institutions are older than religious theories. This analogy is not arbitrarily chosen, for in fact the parallelism in ancient society between religious and political institutions is complete. In each sphere great importance was attached to form and precedent, but the explanation why the precedent was followed consisted merely of legend as to its first establishment. That the precedent, once established, was authoritative did not appear to require any proof. The rules of society were based on precedent, and the continued existence of the society was sufficient reason why a precedent once set should continue to be followed.”

The seventh point of difference relates to the place of individual conviction in Religion. In ancient Society:—

“Religion was a part of the organised social life into which a man was born, and to which he conformed through life in the same unconscious way in which men fall into any habitual practice of the society in which they live. Men took the Gods and their worship for granted, just as they took the other usages of the state for granted, and if they reason or speculated about them, they did so on the presupposition that the traditional usages were fixed things, behind which their reasonings must not go, and which no reasoning could be allowed to overturn. To us moderns religion is above all a matter of individual conviction and reasoned belief, but to the ancients it was a part of the citizen’s public life, reduced to fixed forms, which

he was not bound to understand and was not at liberty to criticise or to neglect. Religious non-conformity was an offence against the state; for if sacred tradition was tampered with the bases of society were undermined, and the favour of the Gods was forfeited. But so long as the prescribed forms were duly observed, a man was recognised as truly pious, and no one asked how his religion was rooted in his heart or affected his reason. Like political duty, of which indeed it was a part, religion was entirely comprehended in the observance of certain fixed rules of outward conduct.”

The eighth point of difference pertains to the relation of God to Society and man, of Society to Man in the matter of God's Providence.

First as to the difference in the relation of God to Society. In this connection three points may be noted.

The faith of the antique world

“Sought nothing higher than a condition of physical *bien etre*.... The good things desired of the Gods were the blessings of earthly life, not spiritual but carnal things.” What the antique societies asked and believed themselves to receive from their God lay mainly in the following things:

“Abundent harvests, help against their enemies and counsel by oracles or scoothsayers in matters of natural difficulty.”

In the antique world

“Religion was not the affair of the individual but of the Community.... It was the community, and not the individual, that was sure of the permanent and the unfailing hand of the deity.”

Next as to the difference in the relation of God to man.

“It was not the business of the Gods of heathenism to watch, by a series of special providences, over the welfare of every individual. It is true that individuals laid their private affairs before the Gods, and asked with prayers and views for strictly personal blessings. But they did this just as they might crave a personal boon from a king, or as a son craves a boon from a father, without expecting to get all that was asked. What the Gods might do in this way was done as a matter of personal favour, and was no part of their proper function as heads of the community.”

“The Gods watched over a man's civic life, they gave him his share in public benefits, the annual largess of the harvest and the vintage, national peace or victory over enemies, and so forth, but they were not sure helpers in every private need, and above all they would not help him in matters that were against the interests of the community as a whole. There was therefore a whole region of

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possible, needs and desires for which religion could and would do nothing.”

Next the difference in the attitude of God and Society to man.

In the antique world Society was indifferent to individual welfare.

God was no doubt bound to Society. But

“The compact between the God and his worshippers was not held to pledge the deity to make the private cares of each member of the Community his own.”

“The benefits expected of God were of a public character affecting the whole community, especially fruitful seasons, increase of flocks of herds and success in war. So long as community flourished the fact that an individual was miserable reflected no discredit on divine providence.”

On the contrary the antique world looked upon the misery of a man as proof.

“That the sufferer was an evil-doer, justly hateful to the Gods. Such a man was out of place among the happy and the prosperous crowd that assembled on feast days before the altar.”

It is in accordance with this view that the leper and the mourner were shut out from the exercise of religion as well as from the privileges of social life and their food was not brought into the house of God.

As for conflict between individual and individual and between society and the individual God had no concern. In the antique world:

“It was not expected that (God) should always be busy righting human affairs. In ordinary matters it was men’s business to help themselves and their own kins folk, though the sense that the God was always near, and could be called upon at need, was a moral force continually working in some degree for the maintenance of social righteousness and order. The strength of this moral force was indeed very uncertain, for it was always possible for the evil-doer to flatter himself that his offence would be overlooked.”

In the antique world man did not ask God to be righteous to him.

“Whether in civil or in profane matters, the habit of the old world was to think much of the community and little of the individual life, and no one felt this to be unjust even though it bore hardly on himself. The God was the God of the nation or of the tribe, and he knew and cared for the individual only as a member of the community.”

That was the attitude that man in the antique world took of his own private misfortune. Man came to rejoice before his God and

“in rejoicing before his God man rejoiced with and for the welfare of his kindred, his neighbours and his country, and, in renewing by

a solemn act of worship the bond that united him to God, he also renewed the bonds of family, social and national obligation.”

Man in the antique world did not call upon his maker to be righteous to him.

Such is this other Revolution in Religion.

There have thus been two Religious Revolutions. One was an external Revolution. The other was an internal Revolution. The External Revolution was concerned with the field within which the authority of Religion was to prevail. The Internal Revolution had to do with the changes in Religion as a scheme of divine Governance for human society. The External Revolution was not really a Religious Revolution at all. It was a revolt of science against the extra territorial jurisdiction assumed by Religion over a field which did not belong. The Internal Revolution was a real Revolution or may be compared to any other political Revolution, such as the French Revolution or the Russian Revolution. It involved a constitutional change. By this Revolution the Scheme of divine governance came to be altered, amended and reconstituted.

How profound have been the changes which this internal Revolution, has made in the antique scheme of divine governance can be easily seen. By this Revolution God has ceased to be a member of a community. Thereby he has become impartial. God has ceased to be the Father of Man in the physical sense of the word. He has become the creator of the Universe. The breaking of this blood bond has made it possible to hold that God is good. By this Revolution man has ceased to be a blind worshipper of God doing nothing but obeying his commands. Thereby man has become a responsible person required to justify his belief in God's commandments by his conviction. By this Revolution God has ceased to be merely the protector of Society and social interests in gross have ceased to be the centre of the divine Order. Society and man have changed places as centres of this divine order. It is man who has become the centre of it.

All this analysis of the Revolution in the Ruling concepts of Religion as a scheme of divine governance had one purpose namely to discover the norm for evaluating the philosophy of a Religion. The impatient reader may not ask where are these norms and what are they? The reader may not have found the norms specified by their names in the foregoing discussion. But he could not have failed to notice that the whole of this Religious Revolution was raging around the norms for judging what is right and what is wrong. If he has not, let me make explicit what has been implicit in the whole of this discussion. We began with the distinction between antique society and

modern society as has been pointed out they differed in the type of divine governance they accepted as their Religious ideals. At one end of the Revolution was the antique society with its Religious ideal in which the end was Society. At the other end of the Revolution is the modern Society with its Religious ideal in which the end is the & individual. To put the same fact in terms of the norm it can be said that the norm or the criterion, for judging right and wrong in the Antique Society was *utility* while the norm or the criterion for judging right and wrong in the modern Society is *justice*. The Religious Revolution was not thus a revolution in the religious organization of Society resulting in the shifting of the centre—from society to the individual—it was a revolution in the norms.

Some may demur to the norms I have suggested. It may be that it is a new way of reaching them. But to my mind there is no doubt that they are the real norms by which to judge the philosophy of religion. In the first place the norm must enable people to judge what is right and wrong in the conduct of men. In the second place the norm must be appropriate to current notion of what constitutes the moral good. From both these points of view they appear to be the true norms. They enable us to judge what is right and wrong. They are appropriate to the society which adopted them. Utility as a criterion was appropriate to the antique world in which society being the end, the moral good was held to be something which had social utility. Justice as a criterion became appropriate to the Modern World in which individual being the end, the moral good was held to be something which does justice to the individual. There may be controversy as to which of the two norms is morally superior. But I do not think there can be any serious controversy that these are not the norms. If it is said that these norms are not transcendental enough; my reply is that if a norm whereby one is to judge the philosophy of religion must be Godly, it must also be earthly. At any rate these are the norms I propose to adopt in examining the philosophy of Hinduism.

II

This is a long detour. But it was a necessary preliminary to any inquiry into the main question. However, when one begins the inquiry one meets with an initial difficulty. The Hindu is not prepared to face the inquiry. He either argues that religion is of no importance or he takes shelter behind the view—fostered by the study of comparative Religion—that all religions are good. There is no doubt that both these views are mistaken and untenable.

Religion as a social force cannot be ignored. Religion has been aptly described by Hebert Spencer as “the weft which everywhere crosses the warp of history”. This is true of every Society. But Religion has not only crossed everywhere the warp of Indian History it forms the warp and woof of the Hindu mind. The life of the Hindu is regulated by Religion at every moment of his life. It orders him how during life he should conduct himself and how on death his body shall be ; disposed of. It tells him how and when he shall indulge in his sexual impulses. It tells him what ceremonies are to be performed when ; a child is born—how he should name, how he should cut the hair on its head, how he should perform its first feeding. It tells him what occupation he can take to, what woman he should marry. It tells him with whom he should dine and what food he should eat, what vegetables are lawful and what are forbidden. It tells how he should spend his day, how many times he should eat, how many times he should pray. There is no act of the Hindu which is not covered or ordained by Religion. It seems strange that the educated Hindus should come to look upon it as though it was a matter of indifference.

Besides, Religion is a social force. As I have pointed out Religion stands for a scheme of divine governance. The scheme becomes an ideal for society to follow. The ideal may be non-existent in the sense that it is something which is constructed. But although non-existent, it is real. For an ideal it has full operative force which is inherent in every ideal. Those who deny the importance of religion not only forget this, they also fail to realize how great is the potency and sanction that lies behind a religious ideal as compound with that of a purely secular ideal. This is probably due to the lag which one sees between the real and the ideal which is always present whether the ideal is religious or secular. But the relative potency of the two ideals is to be measured by another test—namely their power to override the practical instincts of man. The ideal is concerned with something that is remote. The practical instincts of man are concerned with the immediate present. Now placed as against the force of the practical instincts of man the two ideals show their difference in an unmistakable manner. The practical instincts of man do yield to the prescriptions of a religious ideal however much the two are opposed to each other. The practical instincts of man do not on the other hand yield to the secular ideal if the two are in conflict. This means that a religious ideal has a hold on mankind, irrespective of an earthly gain. This can never be said of a purely secular ideal. Its power depends upon its power to confer material benefit. This shows how great is the difference in the potency and sanction of the two ideals over the human mind. A religious ideal

never fails to work so long as there is faith in that ideal. To ignore religion is to ignore a live wire.

Again to hold that all religions are true and good is to cherish a belief which is positively and demonstrably wrong. This belief, one is sorry to say, is the result of what is known as the study of comparative religion. Comparative religion has done one great service to humanity. It has broken down the claim and arrogance of revealed religions as being the only true and good religions of study. While it is true that comparative religion has abrogated the capricious distinction between true and false religions based on purely arbitrary and a priori considerations, it has brought in its wake some false notions about religion. The most harmful one is the one I have mentioned namely that all religions are equally good and that there is no necessity of discriminating between them. Nothing can be a greater error than this. Religion is an institution or an influence and like all social influences and institutions, it may help or it may harm a society which is in its grip. As pointed out by Prof. Tiele¹ religion is

“one of the mightiest motors in the history of mankind, which formed as well as tore asunder nations, united as well as divided empires, which sanctioned the most atrocious and barbarous deeds, the most libinous customs, inspired the most admirable acts of heroism, self renunciation, and devotion, which occasioned the most sanguinary wars, rebellions and persecutions, as well as brought about the freedom, happiness and peace of nations—at one time a partisan of tyranny, at another breaking its chains, now calling into existence and fostering a new and brilliant civilization, then the deadly foe to progress, science and art.”

A force which shows such a strange contrast in its result can be accepted as good without examining the form it takes and the ideal it serves. Everything depends upon what social ideal a given religion as a divine scheme of governance hold out. This is a question which is not avowed by the science of comparative religion. Indeed it begins where comparative religion ends. The Hindu is merely trying to avoid it by saying that although religions are many they are equally good. For they are not.

However much the Hindu may seek to burke the inquiry into the philosophy of Hinduism there is no escape. He must face it.

III

Now to begin with the subject. I propose to apply both the tests, the test of justice and the test of utility to judge the philosophy of

¹ Quoted by Crowby Tree of Life, page 5.

Hinduism. First I will apply the test of justice. Before doing so I want to explain what I mean by the principle of justice. No one has expounded it better than Professor Bergson¹. As interpreted by him the principle of justice is a compendious one and includes most of the other principles which have become the foundation of a moral order. Justice has always evoked ideas of equality, of proportion of "compensation". Equity signifies equality. Rules and regulations, right and righteousness are concerned with equality in value. If all men are equal, all men are of the same essence and the common essence entitled them to the same fundamental rights and to equal liberty.

In short justice is simply another name for liberty equality and fraternity. It is in this sense I shall be using² justice as a criterion to judge Hinduism.

Which of these tenets does Hinduism recognize? Let us take the question one by one.

I. Does Hinduism recognise Equality?

The question instantaneously brings to one's mind the caste system. One striking feature of the caste system is that the different castes do not stand as an horizontal series all on the same plane. It is a system in which the different castes are placed in a vertical series one above the other. Manu may not be responsible for the creation of caste. Manu preached the sanctity of the Varna and as I have shown Varna is the parent of caste. In that sense Manu can be charged with being the progenitor if not the author of the Caste System. Whatever be the case as to the guilt of Manu regarding the Caste System there can be no question that Manu is responsible for upholding the principle of gradation and rank.

In the scheme of Manu the Brahmin is placed at the first in rank. *Below* him is the Kshatriya. *Below* Kshatriya is the Vaishya. *Below* Vaishya is the Shudra and *Below* Shudra is the Ati-Shudra (the Untouchables). This system of rank and gradation is, simply another way of enunciating the principle of inequality so that it may be truly said that Hinduism does not recognise equality. This inequality in status is not merely the inequality that one sees in the warrant of precedence prescribed for a ceremonial gathering at a King's Court. It is a permanent social relationship among the classes to be observed—to be enforced—at all times in all places and for all purposes. It will take too long to show how in every phase of life Manu has introduced and made inequality the vital force of life. But I will

¹Two Moralities page.

² For another interpretation of justice see J. S. Mill—Utilitarianism.

illustrate it by taking a few examples such as slavery, marriage and Rule of Law.

Manu recognizes¹ Slavery. But he confined it to the Shudras. Only Shudras could be made slaves of the three higher classes. But the higher classes could not be the slaves of the Shudra.

But evidently practice differed from the law of Manu and not only Shudras happened to become slaves but members of the other three classes also become slaves. When this was discovered to be the case a new rule was enacted by a Successor of Manu namely Narada². This new rule of Narada runs as follows:—

V 39. In the inverse order of the four castes slavery is not ordained except where a man violates the duties peculiar to his caste. Slavery (in that respect) is analogous to the condition of a wife.”

Recognition of slavery was bad enough. But if the rule of slavery had been left free to take its own course it would have had at least one beneficial effect. It would have been a levelling force. The foundation of caste would have been destroyed. For under it a Brahmin might have become the slave of the Untouchable and the Untouchable would have become the master of the Brahmin. But it was seen that unfettered slavery was an equalitarian principle and an attempt was made to nullify it. Manu and his successors therefore while recognizing slavery ordain that it shall not be recognized in its inverse order to the Varna System. That means that a Brahmin may become the slave of another Brahmin. But he shall not be the slave of a person of another Varna i.e. of the Kshatriya, Vaishya, Shudra, or Ati-Shudra. On the other hand a Brahmin may hold as his slave any one belonging to the four Varnas. A Kshatriya can have a Kshatriya, Vaisha, Shudra and Ati-Shudra as his slaves but not one who is a Brahmin. A Vaishya can have a Vaishya, Shudra and Ati-Shudra as his slaves but not one who is a Brahmin or a Kshatriya. A Shudra can hold a Shudra and Ati-shudra can hold an Ati-Shudra as his slave but not one who is a Brahmin, Kshatriya, Vaishya or Shudra.

Consider Manu on marriage. Here are his rules governing intermarriage among the different classes.

Manu says:—

III. 12. “For the first marriage of the twice born classes, a woman of the same class is recommended but for such as are impelled by inclination to marry again, women in the direct order of the classes are to be preferred.”

¹ Manu recognizes seven kinds of slaves (VIII-415). Narada recognizes fifteen kinds of slaves (V-25)

² The same rule is laid down by Yajnavalkya (II-183) whose authority is equal to that of Manu.

III. 13. "A Shudra woman only must be the wife of Shudra: she and a Vaisya, of a Vaisya; they two and a Kshatriya, of a Kshatriya; those two and a Brahmani of a Brahman."

Manu is of course opposed to intermarriage. His injunction is for each class to marry within his class. But he does recognize marriage outside the defined class. Here again he is particularly careful not to allow intermarriage to do harm to his principle of inequality among classes. Like Slavery he permits intermarriage but not in the inverse order. A Brahmin when marrying outside his class may marry any woman from any of the classes below him. A Kshatriya is free to marry a woman from the two classes next below him namely the Vaishya and Shudra but must not marry a woman from the Brahmin class which is above him. A Vaishya is free to marry a woman from the Shudra Class which is next below him. But he cannot marry a woman from the Brahmin and the Kshatriya Class which are above him.

Why this discrimination? The only answer is that Manu was most anxious to preserve the rule of inequality which was his guiding principle.

Take Rule of Law. Rule of Law is generally understood to mean equality before law. Let any one interested to know what Manu has to say on the point ponder over the following Rules extracted from his code which for easy understanding I have arranged under distinct headings.

As to witnesses.—According to Manu they are to be sworn as follows:—

VIII. 87. "In the forenoon let the judge, being purified, severally call on the twice-born, being purified also, to declare the truth, in the presence of some image, a symbol of the divinity and of Brahmens, while the witnesses turn their faces either to the north or to the east."

VIII. 88. "To a Brahman he must begin with saying, 'Declare'; to a Kshatriya, with saying, 'Declare the truth'; to a Vaisya, with comparing perjury to the crime of stealing kine, grain or gold; to a Sudra, with comparing it in some or all of the following sentences, to every crime that men can commit."

VIII. 113. "Let the judge cause a priest to swear by his veracity; a soldier, by his horse, or elephant, and his weapons; a merchant, by his kine, grain, and gold; a mechanic or servile man, by imprecating on his own head, if he speak falsely, all possible crimes;"

Manu also deals with cases of witnesses giving false evidence. According to Manu giving false evidence is a crime, says Manu:—

VIII. 122. “Learned men have specified these punishments, which were ordained by sage legislators for perjured witnesses, with a view to prevent a failure of justice and to restrain iniquity.”

VIII. 123. “Let a just prince banish men of the three lower classes, if they give false evidence, having first levied the fine; but a Brahman let him only banish.

But Manu made one exception:—

VIII. 112. “To women, however, at a time of dalliance, or on a proposal of marriage, in the case of grass or fruit eaten by a cow, of wood taken for a sacrifice, or of a promise made for the preservation of a Brahman, it is deadly sin to take a light oath.”

As parties to proceedings—Their position can be illustrated by quoting the ordinances of Manu relating to a few of the important criminal offences dealt with by Manu.

Take the offence of Defamation. Manu says:—

VIII. 267. “A soldier, defaming a priest, shall be fined a hundred panas, a merchant, thus offending, an hundred and fifty, or two hundred; but, for such an offence, a mechanic or servile man shall be shipped.”

III. 268. “A priest shall be fined fifty, if he slander a soldier; twenty five, if a merchant; and twelve, if he slander a man of the servile class.”
Take the offence of Insult—Manu says:—

VIII. 270. “A once born man, who insults the twice-born with gross invectives, ought to have his tongue slit; for he sprang from the lowest part of Brahma.”

VIII. 271. “If he mention their names and classes with contumely, as if he say,” Oh Devadatta, though refuse of Brahmin, “an iron style, ten fingers long, shall be thrust red into his mouth.”

VIII. 272. “Should he, through pride, give instruction to priests concerning their duty, let the king order some hot oil to be dropped into his mouth and his ear.”

Take the offence of Abuse—Manu says:—

VIII. 276. “For mutual abuse by a priest and a soldier, this fine must be imposed by a learned king; the lowest amercement on the priest, and the middle-most on the soldier.”

VIII. 277. “Such exactly, as before mentioned, must be the punishment a merchant and a mechanic, in respect of their several

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classes, except the slitting of the tongue; this is a fixed rule of punishment.”

Take the offence of Assault—Manu propounds:—

VIII. 279. “With whatever member a low-born man shall assault or hurt a superior, even that member of his must be slit, or cut more or less in proportion to the injury; this is an ordinance of Manu.”

VIII. 280. “He who raises his hand or a staff against another, shall have his hand cut; and he, who kicks another in wrath, shall have an incision made in his foot.”

Take the offence of Arrogance—According to Manu:—

VIII. 281. “A man of the lowest class, who shall insolently place himself on the same seat with one of the highest, shall either be banished with a mark on his hinder parts, or the king, shall cause a gash to be made on his buttock.”

VIII. 282. “Should he spit on him through price, the king shall order both his lips to be gashed; should he urine on him, his penis: should he break wing against him, his anus.”

VIII. 283. “If he seize the Brahman by the locks, or by the feet, or by the beard, or by the throat, or by the scrotum, let the king without hesitation cause incisions to be made in his hands.” Take the offence of Adultery. Says Manu:—

VIII. 359. “A man of the servile class, who commits actual adultery with the wife of a priest, ought to suffer death; the wives, indeed, of all the four classes must ever be most especially guarded.”

VIII. 366. “A low man, who makes love to a damsel of high birth, ought to be punished corporally; but he who addresses a maid of equal rank, shall give the nuptial present and marry her, if her father please.”

VIII. 374. “A mechanic or servile man, having an adulterous connection with a woman of a twice-born class, whether guarded at home or unguarded, shall thus be punished; if she was unguarded, he shall lose the part offending, and his whole substance; if guarded, and a priestless, every thing, even his life.”

VIII. 375. “For adultery with a guarded priestess, a merchant shall forfeit all his wealth after imprisonment for a year; a soldier shall be fined a thousand panas, and he be shaved with the urine of an ass.”

VIII. 376. “But, if a merchant or soldier commit adultery with a woman of the sacredotal class, whom her husband guards not at home, the king shall only fine the merchant five hundred, and the soldier a thousand;”

VIII. 377. "Both of them, however, if they commit that offence with a priestess not only guarded but eminent for good qualities, shall be punished like men of the servile class, or be burned in a fire of dry grass or reeds."

VIII. 382. "If a merchant converse criminally with a guarded woman of the military, or a soldier with one of the mercantile class, they both deserve the same punishment as in the case of a priestess unguarded."

VIII. 383. "But a Brahman, who shall commit adultery with a guarded woman of those two classes, must be fined a thousand panas; and for the life offence with a guarded woman of the servile class, the fine of a soldier or a merchant shall be also one thousand."

VIII. 384. "For adultery with a woman of the military class, if guarded, the fine of a merchant is five hundred; but a soldier, for the converse of that offence, must be shaved with urine, or pay the fine just mentioned."

VIII. 385. "A priest shall pay five hundred panas if he connect himself criminally with an unguarded woman of the military, commercial, or servile class, and a thousand, for such a connexion with a woman of a vile mixed breed."

Turning to the system of punishment for offences Manu's Scheme throws an interesting light on the subject. Consider the following ordinances:—

VIII. 379. "Ignominious tonsure is ordained, instead of capital punishment, for an adulterer of the priestly class, where the punishment of other classes may extend to loss of life."

VIII. 380. "Never shall the king slay a Brahman, though convicted of all possible crimes; let him banish the offender from his realm, but with all his property secure, and his body unhurt."

XI. 127. "For killing intentionally a virtuous man of the military class, the penance must be a fourth part of that ordained for killing a priest; for killing a Vaisya, only an eighth, for killing a Sudra, who had been constant in discharging his duties, a sixteenth part."

XI. 128. "But, if a Brahmen kill a Kshatriya without malice, he must, after a full performance of his religious rites, give the priests one bull together with a thousand cows."

XI. 129. "Or he may perform for three years the penance for slaying a Brahmen, mortifying his organs of sensation and action, letting his hair grow long, and living remote from the town, with the root of a tree for his mansion."

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XI. 130. "If he kill without malice a Vaisya, who had a good moral character, he may perform the same penance for one year, or give the priests a hundred cows and a bull."

XI. 131. "For six months must he perform this whole penance, if without intention he kill a Sudra; or he may give ten white cows and a bull to the priests."

VIII. 381. "No greater crime is known on earth than slaying a Brahman; and the king, therefore, must not even form in his mind an idea of killing a priest."

VIII. 126. "Let the king having considered and ascertained the frequency of a similar offence, the place and time, the ability of the criminal to pay or suffer and the crime itself, cause punishment to fall on those alone, who deserves it."

VIII. 124. "Manu, son of the Self-existent, has named ten places of punishment, which are appropriated to the three lower classes, but a Brahman must depart from the realm unhurt in any one of them."

VIII. 125. "The part of generation, the belly, the tongue, the two hands, and, fifthly, the two feet, the eye, the nose, both ears, the property, and, in a capital case, the whole body."

How strange is the contrast between Hindu and Non-Hindu criminal jurisprudence? How inequality is writ large in Hinduism as seen in its criminal jurisprudence? In a penal code charged with the spirit of justice we find two things—a section dealing defining the crime and a section prescribing a rational form of punishment for breach of it and a rule that all offenders are liable to the same penalty. In Manu what do we find? First an irrational system of punishment. The punishment for a crime is inflicted on the organ concerned in the crime such as belly, tongue, nose, eyes, ears, organs of generation etc., as if the offending organ was a sentient being having a will for its own and had not been merely a servitor of human being. Second feature of Manu's penal code is the inhuman character of the punishment which has no proportion to the gravity of the offence. But the most striking feature of Manu's Penal Code which stands out in all its nakedness is the inequality of punishment for the same offence. Inequality designed not merely to punish the offender but to protect also the dignity and to maintain the baseness of the parties coming to a Court of Law to seek justice in other words to maintain the social inequality on which his whole scheme is founded.

So far I have taken for illustrations such matters as serve to show how Manu has ordained social inequality. I now propose to take other matters dealt with by Manu in order to illustrate that Manu has also

ordained Religious inequality. These are matters which are connected with what are called sacraments and Ashrams.

The Hindus like the Christians believe in sacraments. The only difference is that the Hindus have so many of them that even the Roman Catholic Christians would be surprised at the extravagant number observed by the Hindus. Originally their number was forty and covered the most trivial as well as the most important occasions in a person's life. First they were reduced to twenty. Later on it was reduced to sixteen¹ and at that figure the sacraments of the Hindus have remained stabilized.

Before I explain how at the core of these rules of sacraments there lies the spirit of inequality the reader must know what the rules are. It is impossible to examine all. It will be enough if I deal with a few of them. I will take only three categories of them, those relating with Initiation, Gayatri and Daily Sacrifices.

First as to Initiation. This initiation is effected by the investiture of a person with the sacred thread. The following are the most important rules of Manu regarding the sacrament of investiture.

II. 36. "In the eighth year from the conception of a Brahman, in the eleventh from that of a Kshatriya, and in the twelfth from that of a Vaisya, let the father invest the child with the mark of his class."

II. 37. "Should a Brahman, or his father for him, be desirous of, his advancement in sacred knowledge; a Kshatriya, of extending his power; or a Vaisya of engaging in mercantile business; the investiture may be made in the fifth, sixth, or eighth years respectively."

II. 38. "The ceremony of investiture hallowed by the Gayatri must not be delayed, in the case of a priest, beyond the sixteenth year; nor in that of a soldier, beyond the twenty second; nor in that of a merchant, beyond the twenty fourth."

II. 39. "After that, all youths of these three classes, who have not been invested at the proper time, become vratyas, or outcasts, degraded from the Gayatri, and condemned by the virtuous."

II. 147. "Let a man consider that as a mere human birth, which his parents gave him for their mutual gratification, and which he receives after lying in the womb."

II. 148. "But that birth which his principal acharya, who knows the whole Veda, procures for him by his divine mother the Gayatri, is a true birth; that birth is exempt from age and from death."

¹The following are the sixteen sacraments:—

II. 169. "The first birth is from a natural mother; the second, from the ligation of the zone; the third from the due performance of the sacrifice; such are the births of him who is usually called twice born, according to a text of the Veda."

II. 170. "Among them his divine birth is that, which is distinguished by the ligation of the zone, and sacrificial cord; and in that birth the Gayatri is his mother, and the Acharya, his father."

Then let me come to Gayatri. It is a Mantra or an invocation of special spiritual efficacy. Manu explains what it is.

II. 76. "Brahma milked out, as it were, from the three Vedas, the letter A, the letter U, and the letter M which form by their coalition the trilateral monosyllable, together with three mysterious words, *bhur*, *bhuvah*, *swer*, or earth, sky, heaven."

II. 77, "From the three Vedas, also the Lord of creatures, incomprehensibly exalted, successively milked out the three measures of that ineffable text, be ginning with the word *tad*, and entitled *Savitri* or *Gayatri*."

II. 78. "A priest who shall know the Veda, and shall pronounce to himself, both morning and evening, that syllable and that holy text preceded by the three words, shall attain the sanctity which the Veda confers."

II. 79. "And a twice born man, who shall a thousand times repeat those three (or *om*, the *vyahritis*, and the *gayatri*,) apart from the multitude, shall be released in a month even from a great offence, as a snake from his slough."

II. 80. "The priest, the soldier, and the merchant, who shall neglect this mysterious text, and fail to perform in due season his peculiar acts of piety, shall meet with contempt among the virtuous."

II. 81. "The great immutable words, preceded by the trilateral syllable, and followed by the *Gayatri* which consists of three measures, must be considered as the mouth, or principal part of the Veda."

II. 82. "Whoever shall repeat, day by day, for three years, without negligence, that sacred text, shall hereafter approach the divine essence, move as freely as air, and assume an ethereal form."

11. 83. "The trilateral monosyllable is an emblem of the Supreme, the suppressions of breath with a mind fixed on God are the highest devotion; but nothing is more exalted than the *gayatri*; a declaration of truth is more excellent than silence."

11. 84. "All rights ordained in the Veda, oblations to fire, and solemn sacrifices pass away; but that which passes not away, is

declared to be the syllable om, thence called acshare; since it is a symbol of God, the Lord of created beings.”

II. 85. “The act of repeating his Holy Name is ten times better than the appointed sacrifice; an hundred times better when it is heard by no man; and a thousand times better when it is purely mental.”

II. 86. “The four domestic sacraments which are accompanied with the appointed sacrifice, are not equal, though all be united, to a sixteenth part of the sacrifice performed by a repetition of the gayatri.”

Now to the Daily Sacrifices.

III. 69. “For the sake of expiating offences committed ignorantly in those places mentioned in order, the five great sacrifices were appointed by eminent sages to be performed each day by such as keep house.”

III. 70. “Teaching (and studying) the scripture is the sacrifice to the Veda; offering cakes and water, the sacrifice to the Manes, an oblation to fire, the sacrifice to the Deities; giving rice or other food to living creatures, the sacraments of spirits; receiving guests with honour, the sacrifice to men.”

III. 71. “Whoever omits not those five great sacrifices, if he has ability to perform them, is untainted by the sons of the five slaughtering places, even though he constantly resides at home.”

Turning to the Ashramas. The Ashram theory is a peculiar feature of the philosophy of Hinduism. It is not known to have found a place in the teachings of any other religion. According to the Ashram theory life is to be divided into four stages called *Brahmachari*, *Grahashta*, *Vanaprastha* and *Sannyas*. In the Brahmachari stage a person is unmarried and devotes his time to the study and education. After this stage is over he enters the stage of a Grahashta i.e. he marries, rears a family and attends to his worldly welfare. Thereafter he enters the third stage and is then known as a Vanaprastha. As a Vanaprastha he dwells in the forest as a hermit but without severing his ties with his family or without abandoning his rights to his worldly goods. Then comes the fourth and the last stage—that of Sannyas—which means complete renunciation of the world in search of God. The two stages of Brahmachari and Grahashta are natural enough. The two last stages are only recommendatory. There is no compulsion about them. All that Manu lays down is as follows:

VI. 1. A twice born who has thus lived according to the law in the order of householders, may, taking a firm resolution and

keeping his organs in subjection, dwell in the forest, duly (observing the rules given below.)

VI. 2. When a householder sees his (skin) wrinkled, and (his hair) white, and the sons of his son, then he may resort to the forest.

VI. 3. Abandoning all food raised by cultivation, all his belongings,, he may depart into the forest, either committing his wife to his sons, or a companion by her.

VI. 33. But having passed the third part of (a man's natural term of) life in the forest, he may live as an ascetic during the fourth part of his existence, after abandoning all attachment to worldly objects.

The inequality embodied in these rules is real although it may not be quite obvious. Observe that all these sacraments and Ashramas are confined' to the twice-born. The Shudras are excluded' from their benefit. Manu of course has no objection to their undergoing the forms of the ceremonies. But he objects to their use of the Sacred Mantras in the performance of the ceremonies. On this Manu says:—

X. 127. "Even Shudras, who were anxious to perform their entire duty, and knowing what they should perform, imitate the practice of good men in the household sacraments, but without any holy text, except those containing praise and salvation, are so far from sinning, that they acquire just applause."

See the following text of Manu for women:—

II. 66. "The same ceremonies, except that of the sacrificial thread, must be duly performed for women at the same age and in the same order, that the body may be made perfect; but without any text from the Veda."

Why does Manu prohibit the Shudras from the benefit of the Sacraments? His interdict against the Shudras becoming a Sannyasi is a puzzle. Sannyas means and involves renunciation, abandonment' of worldly object. In legal language Sannyas is interpreted as being equivalent to civil death. So that when a man becomes a Sannyasi he is treated as being dead from that moment and his heir succeeds immediately. This would be the only consequence which would follow if a Shudra become a Sannyasi. Such a consequence could hurt nobody except the Shudra himself. Why then this interdict? The issue is important and I will quote Manu to explain the significance and importance of the Sacraments and Sannyas. Let us all ponder over the following relevant texts of Manu:

II. 26. With holy rites, prescribed by the Veda, must the ceremony on conception and other sacraments be performed for

So also are the women.

twice-born men, which sanctify the body and purify (from sin) in this (life) and after death.

II. 28. By the study of the Veda, by vows, by burnt oblations, by (the recitation of) sacred texts, by the (acquisition of the) three sacred Vedas, by offering (to the gods Rishis and Manes), by (the procreation of) sons, by the Great Sacrifices, and by (Srauta) rites this (human) body is made fit for (union with) Bramha.

This is the aim and object of the Samskaras. Manu also explains the aim and object of Sannyas.

VI. 81. He (the Sannyasi) who has in this manner gradually given up all attachments and is freed from all the pairs (of opposites), reposes in Brahman alone.

VI. 85. A twice born man who becomes an ascetic, after the successive performance of the above mentioned acts, shakes off sin here below and reaches the highest Brahman.

From these texts it is clear that according to Manu himself the object of the sacraments is to sanctify the body and purify it from sin in this life and hereafter and to make it fit for union with God. According to Manu the object of Sannyas is to reach and repose in God. Yet Manu says that the sacraments and Sannyas are the privileges of the higher classes. They are not open to the Shudra. Why? Does not a Shudra need sanctification of his body, purification of his soul? Does not a Shudra need to have an aspiration to reach God? Manu probably would have answered these questions in the affirmative. Why did he then make such rules. The answer is that he was a staunch believer in social inequality and he knew the danger of admitting religious Equality. If I am equal before God why am I not equal on earth? Manu was probably terrified by this question. Rather than admit and allow religious equality to affect social inequality he preferred to deny religious equality.

Thus in Hinduism you will find both social inequality and religious inequality imbedded in its philosophy.

To prevent man from purifying himself from sin!! To prevent man from getting near to God!! To any rational person such rules must appear to be abominable and an indication of a perverse mind. It is a glaring instance of how Hinduism is a denial not only of equality but how it is a denial of the sacred character of human personality.

This is not all. For Manu does not stop with the non-recognition of human personality. He advocates a deliberate debasement of human personality. I will take only two instances to illustrate this feature of the philosophy of Hinduism.

All those who study the Caste System are naturally led to inquire into the origin of it. Manu being the progenitor of Caste had to give an explanation of the origin of the various castes. What is the origin which Manu gives? His explanation is simple. He says that leaving aside the four original castes the rest are simply baseborn!! He says they are the progeny of fornication and adultery between men and women of the four original castes. The immorality and looseness of character among men and women of the four original castes must have been limitless to account for the rise of innumerable castes consisting of innumerable souls!! Manu makes the wild allegation without stopping to consider what aspersions he is casting upon men and women of the four original castes. For if the chandals—the old name for the Untouchables—are the progeny of a Brahman female and a Shudra male then it is obvious that to account for such a large number of Chandals it must be assumed that every Brahman woman was slut and a whore and every Shudra lived an adulterous life with complete abandon. Manu in his mad just for debasing the different castes by ascribing to them an ignoble origin seems deliberately to pervert historical facts. I will give only two illustrations. Take Manu's origin of *Magadha* and *Vaidehik* and compare it with the origin of the same castes as given by Panini the great Grammarian. Manu says that *Magadha* is a caste which is born from sexual intercourse between Vaishya male and Kshatriya female. Manu says that *Vaidehik* is a caste which is born from sexual intercourse between a Vaishya male and a Brahmin female. Now turn to Panini. Panini says that *Magadha* means a person who is resident of the country known as *Magadha*. As to *Vaidehik* Panini says that *Vaidehik* means a person who is resident of the country known as *Videha*. What a contrast!! How cruel it is. Panini lived not later than 300 B.C. Manu lived about 200 A.D. How is it that people who bore no stigma in the time of Panini became so stained in the hands of Manu? The answer is that Manu was bent on debasing them. Why Manu was bent on deliberately debasing people is a task which is still awaiting exploration.' In the meantime we have the strange contrast that while Religion everywhere else is engaged in the task of raising and ennobling mankind Hinduism is busy in debasing and degrading it.

The other instance I want to use for illustrating the spirit of debasement which is inherent in Hinduism pertains to rules regarding the naming of a Hindu child.

¹ See my Essay Manu on Caste—A puzzle" (*This Essay has not been found in the papers received.*—Editors.)

The names among Hindus fall into four classes. They are either connected with (i) family deity (ii) the month in which the child is born (iii) with the planets under which a child is born or (iv) are purely temporal i.e. connected with business. According to Manu the temporal name of a Hindu should consist of two parts and Manu gives directions as to what the first and the second part should denote. The second part of a Brahmin's name shall be a word implying happiness; of a Kshatriya's a word implying protection; of a Vaishya's a term expressive of prosperity and of a Shudra's an expression denoting service. Accordingly the Brahmins have *Shatma* (happiness) or *Deva* (God), the Kshatriyas have *Raja* (authority) or *Verma* (armour), the Vaishyas have *Gupta* (gifts) or *Datta* (Giver) and the Shudras have *Das* (service) for the second part of their names. As to the first part of their names Manu says that in the case of a Brahmin it should denote something auspicious, in the case of a Kshatriya something connected with power, in the case of a Vaishya something connected with wealth. But in the case of a Shudra Manu says the first part of his name should denote something contemptible!! Those who think that such a philosophy is incredible would like to know the exact reference. For their satisfaction I am reproducing the following texts from Manu. Regarding the naming ceremony Manu says:—

II. 30. Let (the father perform or) cause to be performed the namadheya (the rite of naming the child), on the tenth or twelfth (day after birth), or on a lucky lunar day, in a lucky muhūrta, under an auspicious constellation.

II. 31. Let (the first part of) a Brahman's name (denote) something auspicious, a Kshatriya's name be connected with power, and a Vaishya's with wealth, but a Shudra's (express something) contemptible.

II. 32. (The second part of) a Brahman's (name) shall be (a word) implying happiness, of a Kshatriya's (a word) implying protection, of a Vaishya's (a term) expressive of thriving, and of a Shudra's (an expression) denoting service.

Manu will not tolerate the Shudra to have the comfort of a high sounding name. He must be contemptible both in fact and in name.

Enough has been said to show how Hinduism is a denial of equality both social as well as religious and how it is also a degradation of human personality.

Does Hinduism recognize liberty?

Liberty to be real must be accompanied by certain social conditions.¹

¹See Laski—Liberty in the Modern State.

In the first place there should be social equality. "Privilege tilts the balance of social action in favour of its possessors. The more equal are the social rights of citizens, the more able they are to utilize their freedom.....If liberty is to move to its appointed end it is important that there should be equality."

In the second place there must be economic security. "A man may be free to enter any vocation he may choose.....Yet if he is deprived of security in employment he becomes a prey of mental and physical servitude incompatible with the very essence of liberty... The perpetual fear of the morrow, its haunting sense of impending disaster, its fitful search for happiness and beauty which perpetually eludes, shows that without economic security, liberty is not worth having. Men may well be free and yet remain unable to realize the purposes of freedom".

In the third place there must be knowledge made available to all. In the complex world man lives at his peril and he must find his way in it without losing his freedom.

"There can, under these conditions, be no freedom that is worthwhile unless the mind is trained to use its freedom. (Given this fact) the right of man to education becomes fundamental to his freedom. Deprive a man of knowledge and you will make him inevitably the slave of those more fortunate than himself..... deprivation of knowledge is a denial of the power to use liberty for great ends. An ignorant man may be free.... (But) he cannot employ his freedom so as to give him assurance of happiness."

Which of these conditions does Hinduism satisfy? How Hinduism is a denial of equality has already been made clear. It upholds privilege and inequality. Thus in Hinduism the very first condition for liberty is conspicuous by its absence.

Regarding economic security three things shine out in Hinduism. In the first place Hinduism denies freedom of a vocation. In the Scheme of Manu each man has his avocation preordained for him before he is born. Hinduism allows no choice. The occupation being preordained it has no relation to capacity nor to inclination.

In the second place Hinduism compels people to serve ends chosen by others. Manu tells the Shudra that he is born to serve the higher classes. He exhorts him to make that his ideal. Observe the following rules laid down by Manu.

X. 121. If a Shudra (unable to subsist by serving Brahmanas) seeks a livelihood, he may serve Kshatriyas, or he may also seek to maintain himself by attending on a wealthy Vaishya.

X. 122. But let a Shudra serve Brahmanas.....

Manu does not leave the matter of acting upto the ideal to the Shudra. He goes a step further and provides that the Shudra does not escape or avoid his destined task. For one of the duties enjoined by Manu upon the King is to see that all castes including the Shudra to discharge their appointed tasks.

VIII. 410. "The king should order each man of the mercantile class to practice trade, or money lending, or agriculture and attendance on cattle; and each man of the servile class to act in the service of the twice born."

VIII. 418. "With vigilant care should the king exert himself in compelling merchants and mechanics to perform their respective duties; for, when such men swerve from their duty, they throw this world into confusion."

Failure to maintain was made an offence in the King punishable at Law.

VIII. 335. "Neither a father, nor a preceptor, nor a friend, nor a mother, nor a wife, nor a son, nor a domestic priest must be left unpunished by the King, if they adhere not with firmness to their duty."

VIII. 336. "Where another man of lower birth would be fined one pana, the king shall be fined a thousand, and he shall give the fine to the priests, or cast it into the river, this is a sacred rule."

These rules have a two-fold significance, spiritual as well as economic. In the spiritual sense they constitute the gospel of slavery. This may not be quite apparent to those who know slavery only by its legal outward form and not by reference to its inner meaning. With reference to its inner meaning a slave as defined by Plato means a person who accepts from another the purposes which control his conduct. In this sense a slave is not an end in himself. He is only a means for filling the ends desired by others. Thus understood the Shudra is a slave. In their economic significance the Rules put an interdict on the economic independence of the Shudra. A Shudra, says Manu, must serve. There may not be much in that to complain of. The wrong however consists in that the rules require him to serve others. He is not to serve himself, which means that he must not strive after economic independence. He must forever remain economically dependent on others.

For as Manu says:—

I. 91. One occupation only the lord prescribed to the Shudra to serve meekly even these other three castes.

In the third place Hinduism leaves no scope for the Shudra to accumulate wealth. Menu's rules regarding the wages to be paid to the

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Shudra when employed by the three higher classes are very instructive on this point. Dealing with the question of wages to the Shudras, Manu says:—

X. 124. “They must allot to him (Shudra) out of their own family property a suitable maintenance, after considering his ability, his industry, and the number of those whom he is bound to support.”

X. 125. “The remnants of their food must be given to him, as well as their old clothes, the refuse of their grain, and their old household furniture.

This is Manu’s law of wages. It is not a minimum wage law. It is a maximum wage law. It was also an iron law fixed so low that there was no fear of the Shudra accumulating wealth and obtaining economic security. But Manu did not want to take chances and he went to the length of prohibiting the Shudra from accumulating property. He says imperatively:—

X. 129. No collection of wealth must be made by a Shudra even though he be able to do it; for a Shudra who has acquired wealth gives pain to Brahmans.

Thus in Hinduism, there is no choice of avocation. There is no economic independence and there is no economic security.. Economically, speaking of a Shudra is a precarious thing.

In the matter of the spread of knowledge two conditions are prerequisites. There must be formal education. There must be literacy. Without these two, knowledge cannot spread. Without formal education it is not possible to transmit all the resources and achievements of a complex society. Without formal education the accumulated thought and experience relating to a subject cannot be made accessible to the young and which they will never get if they were left to pick up their training in informal association with others. Without formal education he will not get new perceptions. His horizon will not be widened and he will remain an ignorant slave of his routine work. But formal education involves the establishment of special agencies such as schools, books, planned materials such as studies etc. How can any one take advantage of these special agencies of formal education unless he is literate and able to read and write? The spread of the arts of reading and writing i.e. literacy and formal education go hand in hand. Without the existence of two there can be no spread of knowledge.

How does Hinduism stand in this matter?

The conception of formal education in Hinduism is of a very limited character. Formal education was confined only to the study of the

Vedas. That was only natural. For the Hindus believed that there was no knowledge outside the Vedas. That being so formal education was confined to the study of the Vedas. Another consequence was that the Hindu recognized that its only duty was to study in the schools established for the study of the Vedas. These schools benefitted only the Brahmins. The State did not hold itself responsible for opening establishments for the study of arts and sciences which concerned the life of the merchant and the artisan. Neglected by the state they had to shift for themselves.

Each class managed to transmit to its members the ways of doing things it was traditionally engaged in doing. The duties of the Vaishya class required that a young Vaishya should know the rudiments of commercial geography, arithmetic, some languages as well as the practical details of trade. This he learned from his father in the course of the business. The Artisan's class or the Craftsman who sprang out of the 'Shudra class also taught the arts and crafts to their children in the same way. Education was domestic. Education was practical. It only increased the skill to do a *particular* thing. It did not lead to new perceptions. It did not widen horizon, with the result that the practical education taught him only an isolated and uniform way of acting so that in a changing environment the skill turned out to be gross ineptitude. Illiteracy became an inherent part of Hinduism by a process which is indirect but integral to Hinduism. To understand this process it is necessary to draw attention to rules framed by Manu in regard to the right to teach and study the Vedas. They are dealt with in the following Rules.

I. 88. To the Brahmanas he (the creator) assigned *teaching* and *studying* the Veda.

I. 89. The Kshatriya he (the creator) commanded to *study* the Veda.

I. 90. The Vaishya he (the creator) commanded to study the Veda.

II. 116. He who shall acquire knowledge of the Veda without the assent of his preceptor, incurs the guilt of stealing the scripture, .and shall sink to the region of torment."

IV. 99. He (the twice born) must never read (the Veda)..... in the presence of the Shudras.

IX. 18. Women have no business with the text of the *Veda*.

XI. 199. A twice born man who has..... (improperly) divulged the Veda (i.e. to Shudras and women) (commits sin), atones for his offence, if he subsists a year on barley.

In these texts there are embodied three distinct propositions. The Brahmin, Kshatriya and Vaishya can study the Vedas. Of these the

Brahmins alone have the right to teach the Vedas. But in the case of the Shudra he has not only not to study the Vedas but he should not be allowed to hear it read.

The successors of Manu made the disability of the Shudra in the matter of the study of the Veda into an offence involving dire penalties.

For instance Gautama says:—

XII. 4. If the Shudra intentionally listens for committing to memory the Veda, then his ears should be filled with (molten) lead and lac; if he utters the Veda, then his tongue should be cut off; if he has mastered the Veda his body should be cut to pieces.

To the same effect is Katyayana.

The ancient world may be said to have been guilty for failing to take the responsibility for the education of the masses. But never has any society been guilty of closing to the generality of its people the study of the books of its religion. Never has society been guilty of prohibiting the mass of its people from acquiring knowledge. Never has society made any attempt to declare that any attempt made by the common man to acquire knowledge shall be punishable as a crime. Manu is the only divine law giver who has denied the common man the right to knowledge.

But I cannot wait to dilate upon this. I am more immediately concerned in showing how the prohibition against the study of the Vedas to the mass of the people came to give rise to illiteracy and ignorance in secular life. The answer is easy. It must be realized that reading and writing have an integral connection with the teaching and study of the Vedas. Reading and writing were arts necessary for those who were free and privileged to study the Vedas. They were not necessary to those who were not free to do so. In this way reading and writing became incidental to the study of the Vedas. The result was that the theory of Manu regarding the rights and prohibitions in the matter of the teaching and the study of Vedas came to be extended to the arts of reading and writing. Those who had the right to study the Vedas were accorded the right to read and write. Those who had no right to study the Vedas were deprived of the right to read and write. So that it can be rightly said according to the law of Manu reading and writing has become the right of the high class few and illiteracy has become the destiny of the low class many.

Only a step in the process of this analysis will show how Manu by prohibiting literacy was responsible for the general ignorance in which the masses came to be enveloped.

Thus Hinduism far from encouraging spread of knowledge is a gospel of darkness.

Taking these facts into consideration Hinduism is opposed to the conditions in which liberty can thrive. It is therefore denial of liberty.

III

Does Hinduism recognize Fraternity?

There are two forces prevalent in Society. Individualism and Fraternity. Individualism is ever present. Every individual is ever asking "I and my neighbours, are we all brothers, are we even fiftieth cousins, am I their keeper, why should I do right to them" and under the pressure of his own particular interests acting as though he was an end to himself, thereby developing a non-social and even an anti-social self. Fraternity is a force of opposite character. Fraternity is another name for fellow feeling. It consists in a sentiment which leads an individual to identify himself with the good of others whereby "the good of others becomes to him a thing naturally and necessarily to be attended to like any of the physical conditions of our existence". It is because of this sentiment of fraternity that the individual does not "bring himself to think of the rest of his fellow-creatures as struggling rivals with him for the means of happiness, whom he must desire to see defeated in their object in order that he may succeed in his own." Individualism would produce anarchy. It is only fraternity which prevents it and helps to sustain the moral order among men. Of this there can be no doubt.

How does this sentiment of Fraternity of fellow feeling arise? J. S. Mill says that this sentiment is a natural sentiment.

"The social state is at once so natural, so necessary, and so habitual to man, that, except in some unusual circumstances or by an effort of voluntary abstraction he never conceives himself otherwise than as a member of a body; and this association is riveted more and more, as mankind are further removed from the state of savage independence. Any condition, therefore, which is essential to a state of society, becomes more and more an inseparable part of every person's conception of the state of things which he is born into, and which is the destiny of a human being. Now, society between human beings, except in the relation of master and slave, is manifestly impossible on any other footing than that the interests of all are to be consulted. Society between equals can only exist on the understanding that the interests of all are to be regarded equally. And since in all states of civilisation, every person, except

an absolute monarch, has equals, every one is obliged to live on these terms with some body; and in every age some advance is made towards a state in which it will be impossible to live permanently on other terms with any body. In this way people grow up unable to conceive as possible to them a state of total disregard of other people's interests."

Does this sentiment of fellow feeling find a place among the Hindus? The following facts throw a flood of light on this question.

The first fact that strikes one is the number of castes. No body has made an exact computation of their number. But it is estimated that total is not less than 2000. It might be 3000. This is not the only distressing aspect of this fact. There are others. Castes are divided into sub-castes. Their number is legion. The total population of the Brahmin Caste is about a crore and a half. But there are 1886 sub-castes of the Brahmin Caste. In the Punjab alone the Saraswat Brahmins of the Province of Punjab are divided into 469 sub-castes. The Kayasthas of Punjab are divided into 590 sub-castes. One could go on giving figures to show this infinite process of splitting social life into small fragments.

The third aspect of this splitting process is the infinitely small fragments into which the Castes are split. Some of the Baniya sub-castes can count no more than 100 families. They are so inter related they find extremely difficult to marry within their castes without transgressing the rules of consanguinity.

It is noteworthy what small excuses suffice to bring about this splitting.

Equally noteworthy is the hierarchical character of the Caste System. Castes form an hierarchy in which one caste is at the top and is the highest, another at the bottom and it is the lowest and in between there are castes every one of which is at once above some castes and below some castes. The caste system is a system of gradation in which every caste except the highest and the lowest has a priority and precedence over some other castes.

How is this precedence or this superiority determined? This order of superiority and inferiority or this insubordination is determined by Rules (1) which are connected with religious rites and (2) which are connected with commensuality.

Religion as a basis of Rules of precedence manifests itself in three ways. Firstly through religious ceremonies, secondly through incantations that accompany the religious ceremonies and thirdly through the position of the priest.

Beginning with the ceremonies as a source of rules of precedence it should be noted that the Hindu Scriptures prescribe sixteen religious ceremonies. Although those are Hindu ceremonies every Hindu Caste cannot by right claim to perform all the sixteen ceremonies. Few can claim the right to perform all. Some are allowed to perform certain ceremonies, some are not allowed to perform certain of the ceremonies. For instance take the ceremony of Upanayan, wearing of the sacred thread. Some castes can't. Precedence follows this distinction in the matter of right to perform the ceremonies. A caste which can claim to perform all the ceremonies is higher in status than the caste which has a right to perform a few.

Turning to the Mantras, it is another source for rules of precedence. According to the Hindu Religion the same ceremony can be performed in two different ways. (1) Vedokta and (2) Puranokta. In the Vedokta form the ceremonies are performed with Mantras (incantations) from the Vedas. In the Puranokta form the ceremony is performed with Mantras (incantations) from the Puranas. Hindu Religious Scriptures fall into two distinct categories (1) The Vedas which are four, and (2) the Puranas which are eighteen. Although they are all respected as scriptures they do not all have the same sanctity. The Vedas have the highest sanctity and the Puranas have the lowest sanctity. The way the Mantras give rise to social precedence will be obvious if it is borne in mind that not every caste is entitled to have the ceremony performed in the Vedokta form. Three castes may well claim the right to the performance of one of the sixteen ceremonies. But it will be that one of it is entitled to perform it in the Vedokta form, another in the Puranokta form. Precedence goes with the kind of Mantra that a caste is entitled to use in the performance of a religious ceremony. A caste which is entitled to use Vedic Mantras is superior to a caste which is entitled to use only Puranokta Mantras.

Taking the priest as a second source of precedence connected with Religion, Hinduism requires the instrumentality of a priest for the derivation of the full benefit from the performance of a religious ceremony. The priest appointed by the scripture is the Brahmin. A Brahmin therefore is indispensable. But the scriptures do not require that a Brahmin shall accept the invitation of any and every Hindu irrespective of his caste to officiate at a religious ceremony. The invitation of which caste he will accept and of which he will refuse is a matter left to the wishes of the Brahmin. By long and well established custom it is now settled at which caste he will officiate and at which caste he will not. This fact has become the basis of precedence as between castes. The caste at which a Brahmin will officiate is held as

superior to a caste at whose religious functions a Brahmin will not officiate.

The second source for rules of precedence is commensality. It will be noticed that rules of marriage have not given rise to rules of precedence as rules of commensality have. The reason lies in the distinction between the rules prohibiting intermarriage and interdining. That difference is obvious. The prohibition on intermarriage is such that it cannot only be respected but it can be carried out quite strictly. But the prohibition of interdining creates difficulties. It cannot be carried out quite strictly in all places and under all circumstances. Man migrates and must migrate from place to place. In every place he happens to go he may not find his castemen. He may find himself landed in the midst of strangers. Marriage is not a matter of urgency but food is. He can wait for getting himself married till he returns to the Society of his castemen. But he cannot wait for his food. He must find it from somewhere and from someone. Question arises from which caste he can take food, if he has to. The rule is that he will take food from a caste above him but will not take food from a caste which is below him. There is no way of finding how it came to be decided that a Hindu can take food from one caste and not from another. By long series of precedent every Hindu knows from what caste he can take food and from what caste he cannot. This is determined chiefly by the rule followed by the Brahmin. A caste is higher or lower according as the Brahmin takes from it food or not. In this connection the Brahmin has a very elaborate set of rules in the matter of food and water. (1) He will take only water from some and not from others. (2) A brahmin will not take food cooked in water by any caste. (3) He will take only food cooked in oil from some castes. Again he has a set of rules in the matter of the vessels, in which he will accept food and water. He will take food or water in an earthen vessel from some castes, only in metallic vessel from some and only in glass vessel from others. This goes to determine the level of the castes. If he takes food cooked in oil from a caste its status is higher than the caste from which he will not. If he takes water from a caste its status is higher than the caste from which he will not. If he takes water in a metallic vessel that caste is higher than the caste from which he will take water in an earthen vessel. Both these castes are higher than the caste from which he will take water in a glass vessel. Glass is a substance which is called (Nirlep) (which conserves no stain) therefore a Brahmin can take water in it even from the lowest. But other metals do conserve stains. Contaminating character of the stain depends upon the status of the person who has used it. That status depends upon the Brahmins will to accept water in that vessel.

These are some of the factors which determine the place and status of a caste in this Hindu hierachical system of castes.

This hierarchial organization of the caste system is responsible for producing a social psychology which is noteworthy. In the first place it produces a spirit of rivalry among the different castes for dignity. Secondly it produces an ascending scale of hatred and descending scale of contempt.

This social psychology of mutual hatred and contempt is well illustrated by the innumerable proverbs that are flying about in India. As examples I record a few of them.

This spirit of hatred and contempt has not only found its place in proverbs but it has found its place in Hindu literature also. I refer to a Scripture known as the *Sahyadrikhand*. It is one of the Puranas which form a part of the Hindu Sacred literature. But its subject matter is totally foreign to the subject matter of other Puranas. It deals with the origin of the different castes. In doing so it assigns noble origin to other castes while it assigns to the Brahmin caste the filthiest origin. It was a revenge on Manu. It was worst lampoon on the Brahmins as a caste. The Peshwas very naturally ordered its destruction. Some survived the general destruction.

I will just record one more fact before I put the question.

Present day Hindus are probably the strongest opponents of Marxism. They are horrified at its doctrine of class-struggle. But they forget that India has been not merely the land of class struggle but she has been the land of class wars.

The bitterest class war took place between the Brahmins and the Kshatriyas. The classical literature of the Hindus abounds in reference to class wars between these two Varnas.

The first recorded conflict was between the Brahmins and King Vena. Vena was the son of King Anga, of the race of Atri and was born of Sunitha, the daughter of Mrityu (Death). This son of the daughter of Kala (death), owing to the taint derived from his maternal grandfather, threw his duties behind his back, and lived in covetousness under the influence of desire. This king established an irreligious system of conduct; transgressing the ordinances of the Veda, he was devoted to lawlessness. In his reign men lived without study of the sacred books and the gods had no soma-libations to drink at sacrifices. 'I' he declared, 'am the object, and the performer of sacrifice, and the sacrifice itself; it is to me that sacrifice should be presented, and oblation offered This transgressor of the rules of duty, who arrogated to himself what was not his due, was then addressed by all the great rishis, headed by Marichi. 'We are about to consecrate

* The proverbs are not mentioned in the MS— Editors.

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ourselves for a ceremony which shall last for many years, practice not unrightousness, O Vena: this is not the eternal rule of duty. Thou art in every deed a Prajapati of Atri's race, and thou hast engaged to protect thy subjects.' The foolish Vena, ignorant of what was right, laughingly answered those great rishis who had so addressed him; 'Who but myself is the ordainer of duty or whom ought I to obey? Who on earth equals me in sacred knowledge, in prowess, in austere fervour, in truth? Ye who are deluded and senseless know not that I am the source of all beings and duties. Hesitate not to believe that I, if I willed, could burn up the earth, or deluge it with water, or close up heaven and earth.' When wing to his delusion and arrogance Vena could not be governed then the mighty rishis becoming incensed, seized the vigorous and struggling king, and nibbed his left thigh. From this thigh, so rubbed, was produced a black man, very short in stature, who, being alarmed, stood with joined hands. Seeing that he was agitated, Atri said to him 'Sit down' (Nishada). He became the founder of the race of the Nishadas, and also progenitor of the hivaras (fishermen), who sprang from the corruption of Vena. So two were produced from him the other inhabitants of the Vindhya range, the Tukharas and Tumburas, who are prone to lawlessness. Then the mighty sages, excited and incensed, again rubbed the right hand of Vena, as men do the Arani wood, and from it arose Pritha, respondent in body, glowing like the manifested Agni."

"The son of Vena (Pritha) then, with joined hands, addressed the great Rishis: 'A very slender understanding for perceiving the principles of duty has been given to me by nature; tell me truly how I must employ it. Doubt not that I shall perform whatever thy shall declare to me as my duty, and its object'. Then those gods and great rishis said to him: 'Whatever duty is enjoined perform it without hesitation, disregarding what though mayest like or dislike, looking on all creatures with an equal eye, putting far from thee lust, anger, cupidity and pride. Restrain by the strength of thine arm all those men who swerve from righteousness, having a constant regard to duty. And in thought, act, and word take upon thyself, and continually renew, the engagement to protect the terrestrial Brahman (Veda or Brahmins?)..... And promise that thou wilt exempt the Brahmins from punishment, and preserve society from the confusion of Castes'. The son of Vena then replied to the gods, headed by the rishis: 'The great Brahmins, the chief of men, shall be revered by me'. 'So be it,' rejoined those declares of the Veda. Sukra, the depository of divine knowledge, became his

Purohita; the Balakhilyas and Sarasvatyas his ministers; and the venerable Garga, the great rishi, his astrologer.

The second recorded conflict took place between the Brahmins and the Kshatriya king Pururavas. A brief reference to it occurs in the Adiparva of the Mahabharat.

Pururavas was born of Ha. Ruling over thirteen islands of the ocean, and surrounded by beings who were all superhuman, himself a man of great renown, Pururavas, intoxicated by his prowess engaged in a conflict with the Brahmins, and robbed them of their jewels, although they loudly remonstrated. Sanatkumara came from Brahma's heaven, and addressed to him an admonition, which however, he did not regard. Being then straightway cursed by the incensed rishis, he perished, this covetous monarch, who, through pride of power, had lost his understanding. This glorious being (virat), accompanied Urvashi, brought down for the performance of sacred rites the fires which existed in the heaven of the Gandharvas, properly distributed into three.

A third collision is reported to have occurred between the Brahmins and King Nahusha. The story is given in great details in the Udyogaparva of the Mahabharat. It is there recorded:

“After his slaughter of the demon Vrittra, Indra became alarmed at the idea of having taken the life of a Brahmin (for Vrittra was regarded as such), and hid himself in waters. In consequence of the disappearance of the king of gods, all affairs, celestial as well as terrestrial, fell into confusion. The rishis and Gods then applied to Nahusha to be their king. After at first excusing himself on the plea of want of power, Nahusha at length, in compliance with their solicitations, accepted the high function. Up to the period of his elevation he had led a virtuous life, but he now became addicted to amusement and sensual pleasure; and even aspired to the possession of Indrani, Indra's wife, whom he had happened to see. The queen resorted to the Angiras Vrihaspati, the preceptor of the Gods, who engaged to protect her. Nahusha was greatly incensed on hearing of this interference; but the Gods endeavoured to pacify him, and pointed out the immorality of appropriating another person's wife. Nahusha, however, would listen to no remonstrance, and insisted that in his adulterous designs he was not worse than Indra himself; “The renowned Ahalya, a rishi's wife, was formerly corrupted by Indra in her husband's lifetime; why was he not prevented by you? And many barbarous acts, and unrighteous deeds, and frauds were perpetrated of by old Indra; Why was he not prevented by you?” The Gods, urged by Nahusha, then went to bring Indrani; but Vrihaspati would not

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give her up. At his recommendation, however, she solicited Nahusha for some delay, till she should ascertain what had become of her husband. This request was granted. The Gods next applied to Vishnu on behalf of Indra; and Vishnu promised that if Indra would sacrifice to him, he should be purged from his guilt, and recover his dominion, while Nahusha would be destroyed. Indra sacrificed accordingly; and the result is thus told; "Having divided the guilt of Brahmanicide among trees, rivers, mountains, the earth, women and the elements, Vasava (Indra), lord of the Gods, became freed from suffering and sin, and self governed." Nahusha was by this means, shaken from his place. But he must have speedily regained his position, as we are told that Indra was again ruined, and became invisible. Indrani now went in search of her husband; and by the help of Upasriti (the Goddess of night and revealer of secrets) discovered him existing in a very subtle form in the stem of a lotus growing in a lake situated in a continent within an ocean north of the Himalaya. She made known to him the wicked intention of Nahusha, and entreated him to exert his power, rescue her from danger, and resume his dominion. Indra declined any immediate interposition on the plea of Nahusha's superior strength; but suggested to his wife a device by which the usurper might be hurled from his position. She was recommended to say to Nahusha that "if he would visit her on a celestial vehicle borne by rishis, she would with pleasure submit herself to him". The question of the Gods accordingly went to Nahusha, by whom she was graciously received, and made this proposal: "I desire for thee, king of the Gods, a vehicle hitherto unknown, such as neither Vishnu, nor Rudra, nor the asuras, nor the rakshases employ. Let the eminent rishis, all united, bear thee, lord, in a car; this idea pleases me". Nahusha receives favourably this appeal to his vanity, and in the course of his reply thus gives utterance to his self congratulation: "He is a personage of no mean prowess who makes the *Munis* his bearers. I am a fervid devotee of great might, lord of the past, the future and the present. If I were angry the world would no longer stand; on me everything depends Wherefore, O Goddess I shall, without doubt, carry out what you propose. The seven rishis, and all the Brahman rishis, shall carry me. Behold beautiful Goddess, my majesty and my prosperity." The narrative goes on: "Accordingly this wicked being, irreligious, violent, intoxicated by the force of conceit, and arbitrary in his conduct, attached to his car the rishis, who submitted to his commands, and compelled them to bear him". Indrani then again resorts to Vrihaspati, who assures her that vengeance will soon overtake Nahusha for his presumption; and promises that he will himself perform a sacrifice with a view to the

destruction of the oppressor, and the discovery of Indra's lurking place. Agni is then sent to discover and bring Indra to Vrihaspati; and the latter, on Indra's arrival, informs him of all that had occurred during his absence. While Indra with Kuvera, Yama, Soma, and Varuna, was devising means for the destruction of Nahusha, the sage Agastya came up, congratulated Indra on the fall of his rival, and proceeded to relate how it had occurred: "Wearied with carrying the sinner Nahusha, the eminent divine rishis, and the spotless brahman-rishis asked that divine personage Nahusha (to solve) a difficulty: 'Dost thou, Vasava, most excellent of conquerors, regard as authoritative or not those Brahmana texts which are recited at the immolation of king?' 'No', replied Nahusha, whose understanding was enveloped in darkness. The rishis rejoined: 'Engaged in unrighteousness, thou attainest not unto righteousness: these texts, which were formerly uttered by great rishis, are regarded by us as authoritative.' The (proceeds Agastya) disputing with the munis, impelled by unrighteousness, touched me on the head with his foot. In consequence of this the king's glory was smitten and his prosperity departed. When he had instantly become agitated and oppressed with fear, I said to him, 'Since thou, O fool, condemnest that sacred text, always held in honour, which has been composed by former sages, and employed by Brahman-rishis, and hast touched my head with thy foot, and employest the Brahma—like and irresistible rishis as bearers to carry thee,—therefore, short of thy lustre and all thy merit exhausted, sink down, sinner, degraded from heaven to earth. For then thousand years thou shalt crawl in the form of a huge serpent. When that period is completed, thou shalt again ascend to heaven. 'So fell that wicked wretch from the sovereignty of the Gods."

Next there is a reference to the conflict between King Nimi and the Brahmins. The Vishnu Puran relates the story as follows:—

"Nimi had requested the Brahman-rishi Vasishtha to officiate at a sacrifice, which was to last a thousand years, Vasishtha in reply pleaded a pre-engagement to Indra for five hundred years, but promised to return at the end of that period. The king made no remark, and Vasishtha went away, supposing that he had assented to this arrangement. On his return, however, the priest discovered that Nimi had retained Gautama (who was equal with Vasishtha a Brahman-rishi) and others to perform the sacrifices; and being incensed at the neglect to give him notice of what was intended, he cursed the king, who was then asleep, to lose his corporeal form. When Nimi awoke and learnt that he had been cursed without any previous warning, he retorted, by uttering a similar curse on

Vasishtha, and then died. In consequence of this curse the vigour of Vasishtha, however, received from them another body when their seed had fallen from them at the sight of Urvasi. Nimi's body was emblamed. At the close of the sacrifice which he had begun, the Gods were willing, on the intercession of the priests, to restore him to life, but he declined the offer, and was placed by the deities, according to his desire, in the eyes of all living creatures. It is in consequence of this fact that they are always opening the shutting, (nimishas means "the twinkling of the eye")."

Manu mentions another conflict between the Brahmins and King Sumukha. But of this no details are available.

These are instances of conflict between the Brahmins and the Kshatriya Kings. From this it must not be supposed that the Brahmins and the Kshatriyas as two classes did not clash. That there were clashes between these two classes as distinguished from conflicts with kings is abundantly proved by material the historic value of which cannot be doubted. Reference may be made to three events.

First is the contest between two individuals Vishvamitra the Kshatriya and Vasishtha the Brahmin. The issue between the two was whether a Kshatriya can claim Brahmahood. The story is told in Ramayana and is as follows:-

"There was formerly, we are told, a king called Kusa, son of Prajapati, who had a son called Kushanabha, who was father of Gadhi, the father of Visvamitra. The latter ruled the earth for many thousand years. On one occasion, when he was making a circuit of the earth, he came to Vasishtha's hermitage, the pleasant abode of many saints, sages, and holy devotees, where, after at first declining he allowed himself to be hospitably entertained with his followers. Visvamitra, however, coveting the wondrous cow, which had supplied all the dainties of the feast, first of all asked that she should be given to him in exchange for a hundred thousand common cows, adding that "she was a gem, that gems were the property of the king, and that, therefore, the cow was his by right". On this price being refused the king advances immensely in his offers, but all without effect. He then proceeds—very ungratefully and tyrannically, it must be allowed—to have the cow removed by force, but she breaks away from his attendants, and rushes back to her master, complaining that he was deserting her. He replied that he was not deserting her, but that the king was much more powerful than he. She answers, "Men do not ascribe strength to a Kshatriya; the Brahmins are stronger. The Strength of Brahmins is divine, and superior to that of Kshatriya. Thy strength is immeasurable. Visvamitra, though of great vigour, is not

more powerful than thou. Thy energy is invincible. Commission me, who have been acquired by the Brahmanical power, and I will destroy the pride, and force, and attempt of this wicked prince". She accordingly by her bellowing creates hundreds of Pahlavas, who destroy the entire host of Visvamitra, but are slain by him in their turn. Sakas and Yavans, of great power and valour, and well armed, were then produced, who consumed the king's soldiers, but were routed by him. The cow then calls into existence by her bellowing, and from different parts of her body, other warriors of various tribes, who again destroyed Visvamitra's entire army, foot soldiers, elephants, horses, chariots, and all. "A hundred of the monarch's sons, armed with various weapons, then rushed in great fury on Vashishtha, but were all reduced to ashes in a moment by the blast of that sage's mouth. Vishvamitra, being thus utterly vanquished and humbled, appointed one of his sons to be regent, and travelled to the Himalaya, where he betook himself to austerities, and thereby obtained a vision of Mahadeva, who at his desire revealed to him the science of arms in all its branches, and gave him celestial weapons with which, elated and full of pride, he consumed the hermitage of Vashishtha, and put its inhabitants to flight. Vashishtha then threatens Vishvamitra and uplifts his Brahminical mace. Vishvamitra too, raises his fiery weapon and calls out to his adversary to stand. Vashishtha bids him to show his strength, and boasts that he will soon humble his pride. He asks: "What comparison is there between a Kshatriya's might, and the great might of a Brahman? Behold, thou contemptible Kshatriya, my divine Brahmanical power". The dreadful fiery weapon uplifted by the son of Gadhi was then quenched by the rod of the Brahman, as fire is by water. Many and various other celestial missiles, as the nooses of Brahma, Kala (time), and Varuna, the discus of Vishnu, and the trident Siva, were hurled by Vishvamitra at his antagonist, but the son of Brahma swallowed them up in his all-devouring mace. Finally, to the intense consternation of all the Gods, the warrior shot off the terrific weapon of Brahma (Brahmastra); but this was equally ineffectual against the Brahmanical sage. Vashishtha had now assumed a direful appearance: 'Jets of fire mingled with smoke darted from the pores of his body; the Brahminical mace blazed in his hand like a smokeless mundane conflagration, or a second sceptre of Yama'. Being appeased, however, by the munis, who proclaimed his superiority to his rival, the sage stayed his vengeance; and Vishvamitra exclaimed with a groan: 'Shame on a Kshatriya's strength; the strength of a Brahman's might alone is strength; by the single Brahmanical mace all my weapons have been destroyed.' No

alternative now remains, to the humiliated monarch, but either to acquiesce in this helpless inferiority, or to work out his own elevation to the Brahmanical order. He embraces the latter alternative: "Having pondered well this defeat, I shall be take myself, with composed senses and mind, to strenuous austere fervour, which shall exalt me to the rank of a Brahman". Intensely vexed and mortified, groaning and full of hatred against his enemy, he travelled with his queen to the south, and carried his resolution into effect; and we are first of all told that three sons Havishyanda, Madhusyanda, and Dridhanetra were born to him. At the end of a thousand years Brahma appeared, and announced that he had conquered the heaven of royal sages (Rajarshis); and, in consequence of his austere fervour, he was recognised as having attained that rank. Vishvamitra, however, was ashamed, grieved, and incensed at the offer of so very inadequate a reward, and exclaimed: "I have practised intense austerity, and the Gods and Rishis regard me only as a Rajarshi and not as a Brahman." There is conflict recorded between the same persons or different persons of the same name though on a somewhat different issue.

King Trisanku, one of Ikshvaku's descendants, had conceived the design of celebrating a sacrifice by virtue of which he should ascent bodily to heaven. As Vashistha, on being summoned, declared that the thing was impossible (asakyam), Trisanku travelled to the south, where the sage's hundred sons were engaged in austerities, and applied to them to do what their father had declined. Though he addressed them with the greatest reverence and humility, and added that "the Ikshvaku regarded their family—priests as their highest resource in difficulties, and that, after their father, he himself looked to them as his tutelary deities" he received from the haughty priests the following rebuke for his presumption: "Asakyam" "Fool, thou hast been refused by thy truth speaking preceptor. How is it that, disregarding his authority, thou hast resorted to another school (sakha). The family priest is the highest oracle of all the Ikshvakus; and the command of that veracious personages cannot be transgressed. Vashishtha, the divine Rishi, has declared that 'the thing cannot be'; and how can we undertake thy sacrifice? Thou art foolish king; return to thy capital. The divine (Vashishtha) is competent to act as priest of the three worlds; how can we shew him disrespect?" Trisanku then gave them to understand, that as his preceptor and "his preceptor's sons had declined compliance with his requests, he should think of some other expedient". In consequence of his venturning to express this presumptuous intention, they condemned him by their imprecation to become a Chandala. As this curse soon took effect, and the unhappy

king's form was changed into that of a degraded outcast, he resorted to Vishvamitra (who, as we have seen, was also dwelling at this period in the south), enlarging on his own virtues and piety, and bewailing his fate. Vishvamitra commiserated his condition, and promised to sacrifice on his behalf, and exalt him to heaven in the same Chandala form to which he had been condemned by his preceptor's curse. "Heaven is now as good as in thy possession, since thou hast resorted to the son of Kusika". He then directed that preparations should be made for the sacrifice, and that all the Rishis, including the family of Vashishtha should be invited to the ceremony. The disciples of Vishvamitra, who had conveyed his message, reported the result on their return in these words: "Having heard your message, all the Brahmans are assembling in all the countries, and have arrived, excepting Mahodaya (Vashishtha)? Hear what dreadful words those hundred Vashishthas, their voices quivering with rage, have uttered: "How can the Gods and Rishis consume the oblation at the sacrifice of that man, especially if he be a Chandala, for whom a Kshatriya is officiating priest? How can illustrious Brahmans ascend to heaven after eating the food of a Chandala, and being entertained by Vishvamitra?" These ruthless words all Vashishthas, together with Mahodaya, uttered, their eyes inflamed with anger. Vishvamitra, who was greatly incensed on receiving this, message by a curse doomed the sons of Vashishtha to be reduced to ashes, and reborn as degraded outcasts (mritapah) for seven hundred births, and Mahodaya to become a Nishada. Knowing that this curse had taken effect, Vishvamitra then after eulogizing Trisanku, proposed to the assembled Rishis that the sacrifice should be celebrated. To this they assented, being actuated by fear of the terrible sage's wrath. Vishvamitra himself officiated at the sacrifices as yajakas; and the other Rishis as priests (Ritvijah) (with other functions) performed all the ceremonies. Vishvamitra next invited the gods to partake of the oblations; "When, however, the deities did not come to receive their portions, Vishvamitra became full of wrath, and raising aloft the sacrificial ladle, thus addressed Trisanku: 'Behold, O monarch, the power of austere fervour acquired by my own efforts. I myself, by my own energy, will conduct thee to heaven. Ascend to that celestial region which is so arduous to attain in an earthly body. I have surely earned SOME reward of my austerity'." Trisanku ascended instantly to heaven in the sight of Munis. Indra, however, ordered him to be gone, as a person who, having incurred the curse of his spiritual preceptors, was unfit for the abode of the celestials:—and to fall down headlong to earth. He accordingly began to descend, invoking loudly, as he fell, the help of

his spiritual patron. Vishvamitra, greatly incensed, called out to him to stop: "Then by the power of his divine knowledge and austere fervour created, like another Prajapati, other Seven Rishis (a constellation so called) in the southern part of the sky. Having proceeded to this quarter of the heavens, the renowned sage, in the midst of the Rishis, formed another garland of stars, being overcome with fury. Exclaiming, 'I will create another Indra, or the world shall have no Indra at all', he began, in his rage, to call Gods also into being". The Rishis, Gods, (Suras), and Asuras now became seriously alarmed and said to Vishvamitra, in a conciliatory tone, that Trisanku, "as he had been cursed by his preceptors, should not be admitted bodily into heaven, until he had undergone some lustration". The sage replied that he had given a promise to Trisanku, and appealed to the Gods to permit his proteage to remain bodily in heaven, and the newly created stars to retain their places in perpetuity. The Gods agreed that "these numerous stars should remain, but beyond the Sun's path, and that Trisanku, like an immortal, with his head downwards should shine among them, and be followed by them", adding "that his object would be thus attained, and his renown secured, and he would be like a dweller in heaven". Thus was this great dispute adjusted by a compromise, which Vishvamitra accepted.¹

When all the Gods and rishis had departed at the conclusion of the sacrifice, Vishvamitra said to his attendant devotees; "This has been a great interruption (to our austerities) which has occurred in the southern region: we must proceed in another direction to continue our penances". He accordingly went to a forest in the west, and began his austerities anew. Here the narrative is again interrupted by the introduction of another story, that of king Ambarisha, king of Ayodhya, who was, according to the Ramayana, the twenty eighth in descent from Ikshvaku, and the twenty second from Trisanku. Vishvamitra is nevertheless represented as flourishing contemporaneously with both of these princes. The story relates that Ambarisha was engaged in performing a sacrifice, when Indra carried away the victim. The priest said that this ill-omened event had occurred owing to the king's bad administration; and would call for a great expiation, unless a human victim could be produced. After a long search the royal rishi (Ambarisha) came upon the Brahmin-rishi Richika, a descendant of Bhrigu, and asked him to sell one of his sons for a victim, at the price of a hundred thousand cows. Richika answered that he would not sell his eldest son; and his wife added that

¹ This is the story of Trisanku. It will have been observed, it differs materially from the one quoted above from Harivansa; but brings out more distinctly the character of the conflict between Vashishtha and Vishvamitra.

she would not sell the youngest: "Eldest sons," she observed, "being generally the favourites of their fathers, and youngest sons of their mothers". The second son, Sunassepa then said that in that case he regarded himself as the one who was to be sold, and desired the king to remove him. The hundred thousand cows, with ten millions of gold pieces and heaps of jewels, were paid down, and Sunassepa was carried away. As they were passing through Puskara, Sunassepa beheld his maternal uncle Vishvamitra who was engaged in austerities there with other rishis, threw himself into his arms, and implored his assistance, urging his orphan, friendless, and helpless state, as claims on the sage's benevolence. Vishvamitra soothed him; and pressed his own sons to offer themselves as victims in the room of Sunassepa. This proposition met with no favour from Madhushanda and the other sons of the royal hermit, who answered with haughtiness and derision: "How is it that thou sacrificest thine own sons, and seekest to rescue those of others? We look upon this as wrong, and like the eating of one's own flesh". The sage was exceedingly wrath at this disregard of his injunction, and doomed his sons to be born in the most degraded classes, like Vashishtha's sons, and to eat dog's flesh, for a thousand years. He then said to Sunassepa: "When thou art bound with hallowed cords, decked with a red garland, and anointed with unguents, and fastened to the sacrificial post of Vishnu, then address thyself to Agni, and sing these two divine verses (gathas), at the sacrifice of Ambarisha; then shall thou attain the fulfilment of thy desire". Being furnished with the two gathas, Sunassepa proposed at once to King Ambarisha that they should set out for their destination. Then bound at the stake to be immolated, dressed in a red garment, "he celebrated the two Gods, Indra and his younger brother (Vishnu), with the excellent verses. The thousand-eyed (Indra) was pleased with the sacred hymn, and bestowed long life on Sunassepa". King Ambarisha also received great benefits from this sacrifice. Vishvamitra meanwhile proceeded with his austerities, which he prolonged for a thousand years, "At the end of this time the Gods came to allot his reward; and Brahma announced that he had attained the rank of a rishi, thus apparently advancing an additional step. Dissatisfied, as it would seem, with this, the sage commenced his task of penance anew. After a length of time he beheld the nymph (Apsara) Menka, who had come to bathe in the lake of Pushkara. She flashed on his view, unequalled in her radiant beauty, like lightning in a cloud. He was smitten by her charms, invited her to be his companion in his hermitage, and for ten years remained a slave to her witchery, to the great prejudice of his austerities. At length he became ashamed of this ignoble subjection, and full of indignation at

what he believed to be a device of the Gods to disturb his devotion; and, dismissing the nymph with gentle accents, he departed for the northern mountains, where he practised severe austerities for a thousand years on the banks of the Kausiki river. The Gods became alarmed at the progress he was making, and decided that he should be dignified with the appellation of great rishi (Maharshi); and Brahma, giving effect to the general opinion of the deities, announced that he had conferred that rank upon him. Joining his hands and bowing his head, Vishvamitra replied that he should consider himself to have indeed completely subdued his senses, if the incomparable title of Brahmin-rishi were conferred upon him. Brahma informed him in answer, that he had not yet acquired the power of perfectly controlling his senses; but should make further efforts with that view. The sage then began to put himself through a yet more rigorous course of austerities, standing with his arms erect, without support, feeding on air, in summer exposed to five fires (i.e. one on each of four sides, and the sun overhead), in the rainy season remaining unsheltered from the wet, and in winter lying on a watery couch night and day. This he continued for a thousand years. At last Indra and the other deities became greatly distressed at the idea of the merit he was storing up, and the power which he was thereby acquiring; and the chief of the celestials desired the nymph Rambha to go and bewitch him by her blandishments. She expressed great reluctance to expose herself to the wrath of the formidable muni, but obeyed the repeated injunction of Indra, who promised that he and Kandarpa (the God of love) should stand by her, and assumed her most attractive aspect with the view of overcoming the sage's impassibility. He, however, suspected this design, and becoming greatly incensed, he doomed the numph by a curse to be turned into stone and to continue in that state for a thousand years. The curse took effect, and Kandarpa and Indra sunk away. In this way, though he resisted the allurements of sensual love, he lost the whole fruit of his austerities by yielding to anger; and had to begin his work over again. He resolved to check his irresistibility, to remain silent, not even to breathe for hundreds of years; to dry up his body; and to fast and stop his breath till he had obtained the coveted character of a Brahmin. He then left the Himalaya and travelled to the east, where he underwent a dreadful exercise, unequalled in the whole history of austerities, maintaining silence, according to a vow, for a thousand years. At the end of this time he had attained to perfection, and although thwarted by many obstacles, he remained unmoved by anger. On the expiration of this course of austerity, he prepared some food to eat; which Indra, coming in the form of a Brahmin, begged

that he would give him. Vishvamitra did so, and though he had 'done left for himself, and was obliged to remain fasting, he said nothing to the Brahmin, on account of his vow of silence. "As he continued to suspend his breath, smoke issued from his head, to the great consternation and distress of the three worlds." The Gods, rishis, etc., then addressed Brahma. "The great muni Vishvamitra has been allured and provoked in various ways, but still advances in his sanctity. If his wish is not conceded, he will destroy the three worlds by the force of his austerity. All the regions of the universe are confounded, no light anywhere shines; all the oceans are tossed, and the mountains crumble, the earth quakes, and the wind blows confusedly. We cannot, O Brahma, guarantee that mankind shall not become atheistic Before the great and glorious sage of fiery form resolves to destroy (everything) let him be propitiated." The Gods, headed by Brahma, then addressed Vishvamitra : 'Hail, Brahman rishi, we are gratified by the austerity ; O Kausika, thou hast, through their intensity, attained to Brahmahood. I, O Brahman, associated with the Maruts, confers on thee long life. May every blessing attend thee; depart wherever thou wilt.' The sage, delighted, made his obeisance to the Gods, and said : 'If I have obtained Brahmahood, and long life, then let the mystic monosyllable (omkara) and the sacrificial formula (vashatkara) and the Vedas recognise me in that capacity. And let Vashishtha, the son of Brahmin, the most eminent of those who are skilled in the Kshatra-Veda, and the Brahma-Veda (the knowledge of the Kshatriya and the Brahmnical disciplines), address me similarly' Accordingly Vashishtha, being propitiated by the Gods, became reconciled to Vishvamitra, and recognised his claim for all the prerogatives of a Brahman rishi Vishvamitra, too having attained the Brahmanical rank, paid all honour to Vashishtha".

The second event has a reference to the slaughter of the Brahmins by the Kshatriyas. It is related in the Adiparva of the Mahabharat from which the following account is taken:—

"There was a King named Kritvirya, by whose liberality the Bhrigus, learned in the Vedas, who officiated as his priests, had been greatly enriched with corn and money. After he had gone to heaven, his descendants were in want of money, and came to beg for a supply from the Bhrigus, of whose wealth they were aware. Some of the latter hid their money under ground, others bestowed it on Brahmins, being afraid of the Kshatriyas, while others again gave these last what they wanted. It happened, however, that a Kshatriya, while digging the ground, discovered some money buried in the house of Bhrigu. The Kshatriyas then assembled and saw this treasure, and, being incensed,

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slew in consequence all the Bhrigus, who they regarded with contempt, down to the children, in the womb. The widows, however, fled to the Himalaya mountains. One of them concealed her unborn child in her thigh. The Kshatriya, hearing of its existence from a Brahmani informant, sought to kill it; but it issued forth from its mother's thigh with lustre, and blinded the persecutors. After wandering about bewildered among the mountains for a time, they humbly supplicated the mother of the child for the restoration of their sight; but she referred them to her wonderful infant Aurva into whom the whole Veda, with its six Vedangas, had entered as the person who (in retaliation of the slaughter of his relatives) had robbed them of their eyesight, and who alone could restore it. They accordingly had recourse to him, and their eyesight was restored. Aurva, however, meditated the destruction of all living creatures, in revenge for the slaughter of the Bhrigus, and entered on a course of austerities which alarmed both Gods, Asuras, and men; but his progenitors (Pitris) themselves appeared, and sought to turn him from his purpose by saying that they had no desire to be revenged on the Kshatriyas: "It was not from weakness that the devout Bhrigus overlooked the massacre perpetrated by the murderous Kshatriyas. When we became distressed by old age, we ourselves desired to be slaughtered by them. The money which was buried by someone in a Bhrigu's house was placed there for the purpose of exciting hatred, by those who wished to provoke the Kshatriyas. For what had we, who were desiring heaven, to do with money?" They added that they hit upon this device because they did not wish to be guilty of suicide, and concluded by calling upon Aurva to restrain his wrath; and abstain from the sin he was meditating, "Destroy not the Kshatriyas. Oh, son, nor the seven worlds. Suppress thy kindled anger which nullifies the power of austere fervour." Aurva, however, replies that he cannot allow his threat to remain unexecuted. His anger, unless wreaked upon some other object, will, he says, consume himself. And he argues on grounds of justice, expediency, and duty, against the clemency which his progenitors recommend. He is, however, persuaded by the Pitris to throw the fire of his anger into the sea, where they say it will find exercise in assailing the watery element, and in this way his threat will be fulfilled."

The third event has reference to the slaughter of the Kshatriyas by the Brahmins. This story is told in several places in the Mahabharat.

The magnificent and mighty Kartavirya, possessing a thousand arms, was lord of this whole world, living in Mahishmati. This Haihaya of unquestioned valour ruled over the whole sea-girt earth, with its oceans and continents. He obtained boons from the Muni Dattatreya, a thousand arms whenever he should go into battle, power to make the conquest of the whole earth, a disposition to rule it with

justice and the promise of instruction from the virtuous in the event of his going astray. "Then ascending his chariot glorious as the resplendent Sun, he exclaimed in the intoxication of his prowess, 'Who is like me in fortitude, courage, fame, herosim, energy, and vigour?' At the end of this speech a bodyless voice in the sky addressed him: 'Thou knowest not, O fool, that a Brahman is better than Kshatriya. It is with the help of the Brahman that the Kshatriya rules his subjects.' Arjuna answers: 'If I am pleased, I can create, or, if displeased, annihilate living beings; and no Brahman is superior to me in act, thought or word. The first proposition is that the Brahmins are superior; the second that the Kshatriyas are superior; both of these thou hast stated with their grounds, but there is a difference between them (in point of force). The Brahmins are dependent on the Kshatriyas and not the Kshatriyas on the Brahmins, who wait upon them, and only make the Vedas a pretence. Justice, the protection of the people, has its seat in the Kshatriyas. From them the Brahmins derive their livelihood; how then can the latter be superior? I always keep in subjection myself those Brahmins, the chief of all beings, who subsist on alms and who have a high opinion of themselves. For truth was spoken by that female the Gayatri in the sky. I shall subdue all those unruly Brahmins clad in hides. No one in the three worlds, god or man, can hurl me from my royal authority; therefore I am superior to any Brahman. Now shall I turn the world in which Brahmins have the upper hand into a place where Kshatriyas shall have the upper hand; for no one dares to encounter my force in battle.' Hearing this speech of Arjun, the female roving in the night became alarmed. Then Vayu hovering in the air, said to Arjuna: 'Abandon this sinful disposition, and do obeisance to the Brahmins. If thou shall do them wrong, thy kingdom shall be convulsed. They will subdue thee; those powerful men will humble thee, and expel thee from thy country.' The King asks him, 'Who art thou?' Vayu replies, 'I am Vayu, the messenger of the Gods, and tell thee what is for thy benefit.' Arjuna rejoins, 'Oh, thou displayest today a great warmth of devotion to the Brahmins. But say that a Brahman is like (any other) earth-horn creature."

This king came into conflict with Parsuram the son of a Brahman sage Jamadagni. The history of this conflict is as follows:—

There lived a king of Kanyakubja, called Gadhi, who had a daughter named Satyavati. The marriage of this princess to the rishi Richika, and the birth of Jamadagni, are then told in nearly the same way as above narrated. Jamadagni and Satyavati had five sons, the youngest of whom was the redoubtable Parasuram. By his father's command he

kills his mother (who, by the indulgence of impure desire, had fallen from her previous sanctity), after the four elder sons had refused this matricidal offence, and had in consequence been deprived of reason by their father's curse. At Parasuram's desire, however, his mother is restored by his father to life, and his brothers to reason; and he himself is absolved from all the guilt of murder; and obtains the boon of invincibility and long life from his father. His history now begins to be connected with that of king Arjuna (or Kartavirya). The latter had come to Jamadagni's hermitage, and had been respectfully received by his wife; but he had requited this honour by carrying away by force the calf of the sage's sacrificial cow, and breaking down his lofty trees. On being informed of this violence, Parasurama was filled with indignation, attacked Arjuna, cut off his thousand arms, and slew him. Arjuna's sons, in return slew the peaceful sage Jamadagni, in the absence of Parasuram.

Rama, after performing, on his return, his father's funeral obsequies, vowed to destroy the whole Kshatriya race; and executed his threat by killing first Arjun's sons and their followers. Twenty one times did he sweep away all the Kshatriyas from the earth, and formed five lakes of blood in Samantpanchaka; in which he satiated the manes of the Bhrigus, and beheld face to face (his grandfather), Richika, who addressed himself to Rama. The latter gratified Indra by offering to him a grand sacrifice, and gave the earth to the officiating priests. He bestowed also a golden altar, ten fathoms long and nine high, on the mighty Kasyapa. This, by his permission, the Brahmins divided among themselves, deriving thence the name of Khandavavanas. Having given away the earth to Kasyapa, Parasuram himself dwells on the mountain Mahendra. Thus did enmity arise between him and Kshatriyas, and thus was the earth conquered by Parasuram of boundless might."

The Kshatriyas who were slain by Parasuram are described in the Dronaparvan of the Mahabharata as of various provinces, viz., Kasmiras, Daradas, Kuntis, Kshudrakas, Malavas, Angas, Vangas, Kalingas, Videhas, Tamraliptakas, Marttikavatas, Sivas and other Rajanyas.

The means by which the Kshatriya race was restored is also told as part of this story of annihilation of the Kshatriyas by the Brahmins. It is said:—

"Having one and twenty times swept away all the Kshatriyas from the earth, the son of Jamdagni engaged in austerities on Mahendra the most excellent of mountains. After he had cleared the world of Kshatriyas, their widows came to the Brahmins, praying for offspring. The religious Brahmins, free from any impulse of lust

cohabited at the proper seasons with these women, who in consequence became pregnant, and brought forth valiant Kshatriya boys and girls, to continue the Kshatriya stock. Thus was the Kshatriya race virtuously begotten by Brahmins on Kshatriya women, and became multiplied and long lived. Thence there arose four castes inferior to the Brahmins.”

No country has such a dismal record of class war as Hindustan. It was the proud boast of the Brahmin Parsuram that he exterminated the Kshatriyas twenty one times from the face of Hindustan and recreated them by Brahmins cohabiting with the widows of the Kshatriyas.

It must not be supposed that this Class War in India is a matter of ancient History. It has been present all along. Its existence was very much noticeable in Maharashtra during the Maratha Rule. It destroyed the Maratha Empire. It must not be supposed that these class Wars were like ordinary wars which are a momentary phenomena which come and go and which leave no permanent chasms to divide the peoples of the different nations. In India the class war is a permanent phenomenon which is silently but surely working its way. It is a grain in the life and it has become genius of the Hindus.

These facts it will not be denied are symptomatic in the sense they indicate health and character. Do they suggest that there is fraternity among Hindus? In the face of these facts I am sure it would be impossible to give an affirmative answer.

What is the explanation of this absence of fraternity among the Hindus? It is Hinduism and its philosophy that is responsible for it. The sentiment of fraternity as Mill said is natural but it is a plant which grows only where the soil is propitious and the conditions for its growth exist. The fundamental condition for the growth of the sentiment of fraternity is not preaching that we are children of God or the realization that one's life is dependent upon others. It is too rational to give rise to a sentiment. The condition for the growth of this sentiment of fraternity lies in sharing in the vital processes of life. It is sharing in the joys and sorrows of birth, death, marriage and food. Those who participate in these come to feel as brothers. Prof. Smith very rightly emphasizes the importance of sharing food as a prime factor in the creation of community feeling when he says;

“The sacrificial meal was an appropriate expression of the antique ideal of religious life, not merely because it was a social act and in which the God and his worshippers were conceived as partaking together, but because, as has already been said, the very

act of eating and drinking with a man was a symbol and a confirmation of fellowship and mutual social obligations. The one thing directly expressed in the sacrificial meal is that the God and his worshippers are commensals but every other point in their mutual relations is included in what this involves. Those who sit at meal together are united for all social effects; those who do not eat together are aliens to one another, without fellowship in religion and without reciprocal social duties”.’

There is no sharing among Hindus of joys and sorrows involved in the vital facts of life. Everything is separate and exclusive. The Hindu is separate and exclusive all through his life. A foreigner coming to India will not find men crying Hindu Pani (water for Hindus) and Musalman Pani (water for Musalmans). He will find Brahmin Coffee Houses, Brahmin Eating Houses, where no non-Brahmin Hindus can go. He will find Brahmin Maternity Homes, Maratha Maternity Homes and Bhatia Maternity Homes although Brahmins, Marathas and Bhatias are all Hindus. If there is a birth at the house of a Brahmin, no non-Brahmin will be invited nor will he feel the desire to join. If there is marriage in the family of a Brahmin, no non-Brahmin will be invited nor will he feel the desire to join if a Brahmin dies, no non-Brahmin will be invited to join the funeral nor will he think it necessary to join in the procession. If there is a festivity in the house of a Brahmin, no non-Brahmin will be called and no non-Brahmin will feel any wrong about it. Joys and sorrows of one caste are not the joys and sorrows of another. One caste has no concern with other castes. Even charity has become caste bound. Among Hindus there is no public charity in the sense of its benefit being open to all. You have Brahmin Charity for Brahmins. Within that you have Chitpavan Brahmin Charity for Chitpavan Brahmins only. Deshastha Brahmin Charity for Deshastha Brahmins only, Karhada Brahmin Charity for Karahda Brahmins only. You have Sarasvat Brahmin Charity. Within that you have Kudaldeshkar Brahmin Charity. One could go on with such instances *ad nauseum* to show the exclusive character of Hindu Charity—rather Charity among Hindus—for there is no such thing as Hindu Charity. Thus one Hindu will share nothing with another Hindu while they are alive. But they will be separate and exclusive even when they are dead. Some Hindus bury their dead. Some Hindus burn their dead. But those bury will not share the same cemetery. Each will appropriate a part of the cemetery to bury its dead. Those who burn will not burn at the same burning place. If they do, each will have a separate funeral pan.

Is there any wonder that the sentiment of fraternity is foreign to the Hindus? With a complete refusal to share the joys and sorrows of life how can the sentiment of fraternity take roots?

¹ The Religion of the Semites—p.269.

But the question of all questions is why do the Hindus refuse to share the joys and sorrows of life? It needs no saying that he refuses to share because his religion tells him not to share them. This conclusion need cause no surprize. For what does Hinduism teach? It teaches not to interdine, not to inermarry, not to associate. These don'ts constitute the essence of its teaching. All the shameful facts I have referred to, to illustrate the separate and exclusive character of the Hindus is the direct outcome of this philosophy of Hinduism. The philosophy of Hinduism is a direct denial of fraternity.

This brief analysis of the Philosophy of Hinduism from the point of view of justice reveals in a glaring manner how Hinduism is inimical to equality, antagonistic to liberty and opposed to fraternity.

Fraternity and liberty are really derivative notions. The basic and fundamental conceptions are equality and respect for human personality. Fraternity and liberty take their roots in these two fundamental conceptions. Digging further down it may be said that equality is the original notion and respect for human personality is a reflexion of it. So that where equality is denied, everything else may be taken to be denied. In other words it was enough for me to have shown that there was no equality in Hinduism. But as Hinduism has not been examined so far in the manner I have done, I did not think it sufficient to leave it to implication that Hinduism was a denial of Fraternity and Liberty as well.

There is one final observation with which I wish to conclude this discussion with the profound observation of Lord Acton. The great Lord says that inequality has grown as a result of historical circumstances. It has never been adopted as a creed. It is obvious that in making this observation Lord Acton must have omitted to take note of Hinduism. For in Hinduism inequality is a religious doctrine adopted and conscientiously preached as a sacred dogma. It is an official creed and nobody is ashamed to profess it openly. Inequality for the Hindus is a divinely prescribed way of life as a religious doctrine and as a prescribed way of life, it has become incarnate in Hindu Society and is shaped and moulded by it in its thoughts and in its doings. Indeed inequality is the Soul of Hinduism.

Let me now turn to the examination of the philosophy of Hinduism from the point of view of Utility.

This examination of Hinduism from this aspect need not be long and detailed. For as Mill pointed out there is no necessary antagonism between justice and utility. In other words what is unjust to the individual cannot be useful to society. Apart from this we have before us the consequences of caste staring us in the face.

The ideal of caste was not mere ideal. The ideal was put into practice; was therefore something real. So that, in the matter of the Chaturvarna the Hindus have very faithfully followed the German Philosopher Nietzsche who said “Realize the ideal and idealize the real”,

The value of the ideal must be tested by its results. If experience therefore must be the criterion then the ideal of Chaturvarna stands thrice condemned. Purely as a form of social organization it stands condemned. As a producer’s organization it stands discredited. As an ideal scheme of distribution it has miserably failed. If it is an ideal form of organization how is it that the Hinduism has been unable to form a common front. If it is an ideal form of production, how is it that its technique never advanced beyond that of the primitive man. If it is an ideal form of distribution, how is it that it has produced appalling inequality of wealth, immense wealth side by side extreme poverty.

But I do not wish to dismiss the subject so summarily, for I know many Hindus who claim great social utility to the institution of caste and praise Manu for having been so wise and so thoughtful not only in devising it but in giving it a divine sanction.

This view of the caste is due to taking the separate aspects of caste separately. One must take them in conjunction. The resultant social utility or disutility of caste can be ascertained only by putting together the separate aspects of caste and judge them in their combination. Following this line of attacking the problem, the following conclusions follow :—

(1) Caste divides Labourers (2) Caste disassociates work from interest (3) Caste disconnects intelligence from manual labour (4) Caste devitalises by denying to him the right to cultivate vital interest and (5) Caste prevents mobilization. Caste System is not merely division of labour. ***IT IS ALSO A DIVISION OF LABOURERS.*** Civilized society undoubtedly needs division of labour. But in no civilized society is division of labour accompanied by this unnatural division of labourers into water-tight compartments. Caste System is not merely a division of labourers—which is quite different from division of labour—it is an hierarchy in which the divisions of labourers are graded one above the other. In no other country is the division of labour accompanied by this gradation of labourers. There is also a third point of criticism against this view of the Caste System. This division of labour is not spontaneous, it is not based on natural aptitudes. Social and individual efficiency requires us to develop the capacity of an individual to the point of competency to choose and to

make his own career. This principle is violated in the Caste System in so far as it involves an attempt to appoint tasks to individuals in advance, selected not on the basis of trained original capacities, but on that of the social status of the parents. Looked at from another point of view this stratification of occupations which is the result of the Caste System is positively pernicious. Industry is never static. It undergoes rapid and abrupt changes. With such changes an individual must be free to change his occupations. Without such freedom to adjust himself to changing circumstances it would be impossible for him to gain his livelihood. Now the Caste System will not allow Hindus to take occupations where they are wanted if they do not belong to them by heredity. If a Hindu is seen to starve rather than take to new occupations not assigned to his Caste, the reason is to be found in the Caste System. By not permitting readjustment of occupations, caste becomes a direct cause of much of the unemployment we see in the country. As a form of division of labour the Caste System suffers from another serious defect. The division of labour brought about by the Caste System is not a division based on choice. Individual sentiment, individual preference has no place in it. It is based on the dogma of predestination. Considerations of social efficiency would compel us to recognize that the greatest evil in the industrial system is not so much poverty and the suffering that it involves, as the fact that so many persons have callings which make no appeal to those who are engaged in them. Such callings constantly provoke one to aversion, ill will and the desire to evade. There are many occupations in India which on account of the fact that they are regarded as degraded by the Hindus provoke those who are engaged in it to aversion. There is a constant desire to evade and escape from such occupations which arises solely because of the blighting effect which they produce upon those who follow them owing to the slight and stigma cast upon them by the Hindu religion.

The second mischief it does is to dissociate intelligence from work and create contempt for labour. The theory of the Caste is that a Brahmin who is permitted to cultivate his intellect is not permitted to labour, indeed is taught to look down upon labour. While the Shudra who is required to labour is not permitted to cultivate his intelligence. The disastrous consequences of this have been well portrayed by Mr. R. C. Dutt.*

Caste devitalizes a man. It is a process of sterilization. Education, wealth, labour are all necessary for every individual if he is to reach a free and full manhood. Mere education without wealth and labour is

* *Quotation not given in the MS.*—Editors

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barren. Wealth without education and wealth is brutal. Each is necessary to every one. They are necessary for the growth of a man.

That the Brahmin should cultivate knowledge, Kshatriya should bear arms, the Vaishya should trade and that the Shudra should serve is presented as a theory of mutual interdependence found in the family. It is asked why should the Shudra need trouble to acquire wealth when the three Varnas are there to support him; Why need the Shudra bother to take to education when the Brahmin to whom he can go when the occasion for reading or writing arises; Why need the Shudra worry to arm himself because there is the Kshatriya to protect him? The theory of Chaturvarnya understood in this sense may be said to look upon the Shudra as the ward and the three Varnas as his guardians. Thus interpreted it is a simple and alluring theory. Assuming this to be the correct view of the underlying conception of Chaturvarnya it seems to me that the system is neither fool-proof nor knave-proof. What is to happen if the Brahmins, Vaishyas and Kshatriyas fail to pursue knowledge, to engage in economic enterprises and to be efficient soldiers which are their respective functions? Contrarywise, suppose that they discharge their functions but flout their duty to the Shudra or to one another? What is to happen to the Shudra if the three classes refuse to support him on fair terms or combine to keep him down? Who is to safeguard the interests of the Shudra or for the matter of that of the Vaishya and Kshatriya when the person who is trying to take advantage of his ignorance is the Brahmin? Who is to defend the liberty of the Shudra or that of the Brahmin and the Vaishya, when the person who is robbing him of it is the Kshatriya? Inter-dependence of one class on another class is inevitable. Even dependence of one class upon another may sometimes become allowable. But why make one person depend upon another in the matter of his vital needs? Education every one must have. Means of defence every one must have. These are the paramount requirements of every man for his self-preservation. How can the fact that his neighbour is educated and armed, help a man who is uneducated and disarmed. The whole theory is absurd. These are the questions which the defenders of Chaturvarnya do not seem to be troubled about. But they are very pertinent questions. Assuming their conception of Chaturvarnya that the relationship between the different classes is that of ward and guardian is the real conception underlying Chaturvarnya, it must be admitted that it makes no provision to safeguard the interests of the ward from the misdeeds of the guardian. Whether the relationship of guardian and ward was the real underlying conception on which Chaturvarnya was based there is no doubt that in practice

the relation was that of master and servant. The three classes, Brahmins, Kshatriyas and Vaishyas although not very happy in their mutual relationship managed to work by compromise. The Brahmin flattered the Kshatriya and both let the Vaishya live in order to be able to live upon him. But the three agreed to beat down the Shudra. He was not allowed to acquire wealth lest he should be independent of the three Varnas. He was prohibited from acquiring knowledge lest he should keep a steady vigil regarding his interests. He was prohibited from bearing arms lest he should have the means to rebel against their authority. That this is how the Shudras were treated by the Trayavarnikas is evidenced by the Laws of Manu. There is no code of laws more infamous regarding social rights than the Laws of Manu. Any instance from anywhere of social injustice must pale before it. Why have the mass of people tolerated the social evils to which they have been subjected? There have been social revolutions in other countries of the world. Why have there not been social revolutions in India is a question which has incessantly troubled me. There is only one answer which I can give and it is that the lower classes of Hindus have been completely disabled for direct action on account of this wretched system of Chaturvarnya. They could not bear arms and without arms they could not rebel. They were all ploughmen or rather condemned to be ploughmen and they were allowed to convert their ploughshares into swords. They had no bayonets and therefore everyone who chose ploughs did sit upon them. On account of the Chaturvarnya they could receive no education. They could not think out or know the way to their salvation. They were condemned to be lowly and not knowing the way of escape and not having the means of escape, they became reconciled to eternal servitudes which they accepted as their inescapable fate. It is true that even in Europe the strong has not shrunk from the exploitation, nay the spoliation of the weak but in Europe, the strong have never contrived to make the weak helpless against exploitation so shamelessly as was the case in India among the Hindus. Social war has been raging between the strong and the weak far more violently in Europe than it has ever been in India. Yet the weak in Europe has had in him freedom of military service his physical weapon, in suffrage his political weapon and in education his moral weapon. Three weapons for emancipation were never withheld by the strong from the weak in Europe. All these weapons were however denied to the masses in India by Chaturvarnya. There cannot be a more degrading system of social organization than Chaturvarnya. It is the system which deadens, paralyses and cripples the people from helpful activity. This is no exaggeration. History bears ample evidence.

There is only one period in Indian history which is a period of freedom, greatness and glory. That is the period of the Mourya Empire. At all other times the country suffered from defeat and darkness. But the Mourya period was a period when Chaturvarnya was completely annihilated, when the Shudras, who constituted the mass of the people came into their own and became the rulers of the country. The period of defeat and darkness is the period when Chaturvarnya flourished to the damnation of the greater part of the people of the country.

Caste prevents mobilization. Occasions arise when society must mobilize all its resources to one end in order to save itself from a catastrophe. To take a catastrophe like war, Society must mobilize all its resources for militarization. Every one must do war. Every one must be a soldier. Is this possible under the theory of caste? Obviously not. Indeed the destiny of a defeat which has been the lot of India throughout history is due to caste. Caste prevented general mobilization. Or the extent of mobilization was of a very limited character. Only the Kshatriyas were expected to fight. The rest the Brahmins and the Vaishyas were not armed and the Shudras who formed the large majority of the country were disarmed. The result was that once the small class of Kshatriyas were defeated by a foreign foe the whole country fell at his feet. It could offer no resistance. It was not capable of resistance. Indian wars have been mostly wars of single battles or single campaigns. This was due to the fact that once the Kshatriyas fell everything fell. Why? Simply because there was no general mobilization and the theory deeply imbedded in the psychology of the people.

If these conclusions are sound, how can a philosophy which dissects society in fragments, which dissociates work from interest, which disconnects intelligence from labour, which expropriates the rights of man to interests vital to life and which prevented society from mobilizing resources for common action in the hour of danger, be said to satisfy the test of Social Utility.

IV

The Philosophy of Hinduism therefore neither satisfies the test of social utility nor does it satisfy the test of individual justice.

The result of my analysis is so odd that it will surprise many. Astonished some may even say that if the conclusions are so odd then there must be something wrong in my analysis of the philosophy of Hinduism. I must meet this objection. To those who refuse to accept

my analysis I say that they find my analysis odd because they do not have a correct notion what is central in the philosophy of Hinduism. If they do they will feel no surprise at my conclusions.

This matter is so important that I must stop to explain it. It may be recalled that the foregoing analysis of the religious revolution showed that religious ideals as forms of divine governance for human Society fall into two classes, one in which Society is the centre and the other in which the Individual is the centre. The same analysis showed that for the former the appropriate test of what is good and what is right i.e. the test of the moral order is utility while for the latter the test is justice. Now the reason why the philosophy of Hinduism does not answer the test either of utility or of justice is because the religious ideal of Hinduism for divine governance of human society is an ideal which falls into a separate class by itself. It is an ideal in which the individual is not the centre. The centre of the ideal is neither individual nor society. It is a class—the class of Supermen called Brahmins, Those who will bear the dominant and devastating fact in mind will understand why the philosophy of Hinduism is not founded on individual justice or social utility. The philosophy of Hinduism is founded on a totally different principle. To the question what is right and what is good the answer which the philosophy of Hinduism gives is remarkable. It holds that to be right and good the act must serve the interest of this class of supermen, namely, the Brahmins. Oscar Wilde said that to be intelligible is to be found out. Manu is neither afraid nor ashamed of being found out. Indeed Manu does not leave it to be found out. He expresses his view in resonant and majestic notes as who are the Supermen and anything which serves the interest of the Supermen is alone entitled to be called right and good. Let me quote Manu.

X. 3. “On account of his pre-eminence, on account of the superiority of his origin, on account of his observance of (particular) restrictive rules, and on account of his particular sanctification the Brahman is the Lord of (all) Varnas.”

He proceeds to amplify his reasons and does so in the following characteristic manner:—

I. 93. “As the Brahmana sprang from (Prajapati’s i.e. Gods) mouth, as he was first-born, and as he possesses the Veda, he is by right the lord of this whole creation.”

I. 94. For the self existent (Svayambhu i.e. God), having performed austerities, produced him first from his own mouth, in order that offerings might be conveyed to the Gods and Manes and that this universe might be preserved.”

I. 95. "What created being can surpass him, through whose mouth the gods continually consume the sacrificial viands and the manes the offerings to the dead?"

I. 96. "Of created beings the most excellent are said to be those which are animated; of the animated, those who subsist by intelligence; of the intelligent, mankind; and of the men, the Brahmanas".

Besides the reason given by Manu the Brahmin is first in rank because he was produced by God from his mouth, in order that the offerings might be conveyed to the Gods and manes. Manu gives another reason for the supremacy of the Brahmins. He says:—

I. 98. "The very birth of a Brahmana is an eternal incarnation of the sacred Law (Veda); for he is born to (fulfil) the sacred law, and becomes one with Brahman (God)."

I. 99. "A Brahmana, coming into existence, is born as the highest on earth, the lord of all created beings, for the protection of the treasury of the Law."

Manu concludes by saying that:—

I. 101. "The Brahman eats but his own food, wears but his own apparel, bestows but his own in alms; other mortals subsist through the benevolence of the Brahmana."

Because according to Manu:—

II. 100. "Whatever exists in the world is the property of the Brahmana; on account of the excellence of his origin the Brahmana is, indeed, entitled to it all."

Manu directs:—

VII. 36. "Let the King, after rising early in the morning, worship Brahmins who are well versed in the three-fold sacred science and learned (in polity), and follow their advice".

VII. 38. "Let him daily worship aged Brahmins who know the Veda and are pure"

VII. 37. "Let the king, having risen at early dawn, respectfully attend to Brahman, learned in the three Vedas and in the science of ethics, and by their decision let him abide."

VII. 38. "Constantly must he show respect to Brahmins, who have grown old, both in years and in piety, who know the scriptures, who in body and mind are pure; for he, who honours the aged, will perpetually be honoured even by cruel demons."

IX. 313. "Let him not, although in the greatest distress for money, provoke Brahmins to anger by taking their property; for they, once enraged, could immediately by sacrifices and imprecations destroy him with his troops, elephants, horses and cars."

Finally Manu says:—

XI. 35. “The Brahman is (hereby) declared (to be) the creator (of the world), the punisher, the teacher, (and hence) a benefactor (of all created beings); to him let no man say anything unpropitious; nor use any harsh words”.

To conclude and complete the theory of supermen and of what is right and good let me reproduce the following two texts from Manu:—

X. 122. But let a Shudra serve Brahmins, either for the sake of heaven or with a view to both this life and the next, for he who is called the servant of a Brahman thereby gains all his ends.

X. 123. The service of the Brahmana alone is declared to be an excellent occupation for a Shudra; for whatever else besides this he may perform will bear no fruit.

And Manu adds :—

X. 129. No collection of wealth must be made by a Shudra, even though he be able to do it; for a Shudra who has acquired wealth gives pain to Brahman.

The above texts from Manu disclose the core and the heart of the philosophy of Hinduism. Hinduism is the gospel of the superman and it teaches that what is right for the superman is the only thing which is called morally right and morally good.

Is there any parallel to this philosophy ? I hate to suggest it. But it is so obvious. The parallel to this philosophy of Hinduism is to be found in Nietzsche. The Hindus will be angry at this suggestion. It is quite natural. For the philosophy of Nietzsche stands in great odium. It never took roots. In his own words he was “sometimes deified as the philosopher of the aristocracy and squirearchy, sometimes hooted at, sometimes pitied and sometimes boycotted as an inhuman being”. Nietzsche’s philosophy had become identified with will to power, violence, denial of spiritual values, superman and the sacrifice, servility and debasement of the common man. His philosophy with these high spots had created a certain loathsomeness and horror in the minds of the people of his own generation. He was utterly neglected if not shunned and Nietzsche himself took comfort by placing himself among the “posthumous men”. He foresaw for himself a remote public, centuries after his own time to appreciate him. Here too Nietzsche was destined to be disappointed. Instead of there being any appreciation of his philosophy, the lapse of time has only augmented the horror and loathing which people of his generation felt for Nietzsche. This is principally due to the revelation that the philosophy of Nietzsche is capable of producing Nazism. His friends have vehemently protested

against such a construction.¹ But it is not difficult to see that his philosophy can be as easily applied to evolve a super state as to superman. This is What the Nazis have done. At any rate the Nazis trace their ancestry from Nietzsche and regard him as their spiritual parent. Hitler has himself photographed beside a bust of Nietzsche; he takes the manuscripts of the master under his own special guardianship; extracts are chosen from Nietzsche's writings and loudly proclaimed at the ceremonies of Nazism, as the New German Faith. Nor is the claim by the Nazis of spiritual ancestry with Nietzsche denied by his near relations. Nietzsche's own cousin Richard Ochler approvingly says that Nietzsche's thought is Hitler in action and that Nietzsche was the foremost pioneer of the Nazi accession to power. Nietzsche's own sister, few months before her death, thanks the Feurhar for the honour he graciously bestows on her brother declaring that she sees in him that incarnation of the "Superman" foretold by Zarathustra.

To identify Nietzsche, whose name and whose philosophy excites so much horror and so much loathing; with Manu is sure to cause astonishment and resentment in the mind of the Hindus. But of the fact itself there can be no doubt. Nietzsche himself has openly declared that in his philosophy he is only following the scheme of Manu. In his *Anti Christ* this is what Nietzsche says:—

"After all, the question is, to what end are falsehoods perpetrated ? The fact that, in Christianity, 'holy' ends are entirely absent, constitutes my objection to the means it employs. Its ends are only bad ends; the poisoning, the calumny and the denial of life, the contempt of the body, the degradation and self pollution of man by virtue of the concept of sin, - consequently its means are bad as well. My feelings are quite the reverse, When I read the law book of Manu, an incomparably intellectual and superior work, it would be a sin against the spirit even to mention in the same breath with the Bible. You will guess immediately why; it has a genuine philosophy behind it, in it, not merely an evil-smelling Jewish distillation of Rabbinism and superstition - it gives something to chew even to the most fastidious psychologist. And, not to forget the most important point of all, it is fundamentally different from every kind of Bible: by means of it the noble classes, the philosophers and the warriors guard and guide the masses; it is replete with noble values, it is filled with a feeling of perfection, with saying yea to life, and triumphant sense of well-being in regard to itself and to life, - the Sun shines upon the whole book. All those

¹For this as also for facts which follow see M.P. Nicolas. "From Nietzsche Down to Hitler" 1938.

things which Christianity smothers with its bottomless vulgarity; procreation, woman, marriage, are here treated with earnestness, with reverence, with love and confidence. How can one possibly place in the hands of children and women, a book that contains those vile words: "to avoid fornication, let every man have his own wife, and let every woman have her own husband it is better to marry than to burn". And is it decent to be a Christian so long as the very origin of man is Christianised, - that is to say, befouled, by the idea of the immaculate conception?... I know of no book in which so many delicate and kindly things are said to woman, as in the Law Book of Manu; these old grey-beards and saints have a manner of being gallant to woman which, perhaps, cannot be surpassed. "The mouth of a woman", says Manu on one occasion, "the breast of a maiden, the prayer of a child, and the smoke of the sacrifice, are always pure". Elsewhere he says: "there is nothing purer than the light of the Sun, the shadow cast by a cow, air water, fire and the breath of a Maiden". And finally-perhaps this is also a holy lie:— "all the openings of the body above the navel are pure, all those below the navel are impure. Only in a maiden is the whole body pure."

This leaves no doubt that Zarathustra is a new name for Manu and that *Thus Spake Zarathustra* is a new edition of *Manu Smriti*.

If there is any difference between Manu and Nietzsche it lies in this. Nietzsche was genuinely interested in creating a new race of men which will be a race of supermen as compared with the existing race of men. Manu on the other hand was interested in maintaining the privileges of a class who had come to arrogate to itself the claim of being supermen. Nietzsche's supermen were supermen by reason of their worth. Manu's supermen were supermen by reason of their birth. Nietzsche was a genuine disinterested philosopher. Manu on the contrary was an hireling engaged to propound a philosophy which served the interests of a class born in a group and whose title to being supermen was not to be lost even if they lost their virtue. Compare the following texts from Manu.

X. 81. "Yet a Brahman, unable to subsist by his duties just mentioned, may live by the duty of a soldier; for that is the next rank."

X. 82. "If it be asked, how he must live, should he be unable to get a subsistence by either of those employments; the answer is, he may subsist as a mercantile man, applying himself into tillage and attendance on cattle."

Manu adds :

IX. 317. “A Brahmana, be he ignorant or learned, is a great divinity, just as the fire, whether carried forth (for the performance of a burnt oblation) or not carried forth, is a great divinity”.

IX. 323. “ Thus, though the Brahmans employ themselves in all (sorts) of mean occupation, they must be honoured in every way (for each of) them is a very great diety”.

Thus Manu's is a degraded and degenerate philosophy of superman as compared with that of Nietzsche and therefore far more odious and loathsome than the philosophy of Nietzsche.

This explains why the philosophy of Hinduism does not satisfy the test of justice or of utility. Hinduism is not interested in the common man. Hinduism is not interested in Society as a whole. The centre of its interest lies in a class and its philosophy is concerned in sustaining and supporting the rights of that class. That is why in the Philosophy of Hinduism the interests of the common man as well as of society are denied, suppressed and sacrificed to the interest of this class of Supermen. What is the value of such a religion to man ? Mr. Balfour in speaking on the merits of positivism as Religion asked the positivists certain questions which are worth recalling. He very pertinently asked;

“What has (Positivism) to say to the more obscure multitude who are absorbed, and well nigh overwhelmed, in the constant struggle with daily needs and narrow cares; who have but little leisure or inclination to consider the precise role they are called on to play in the great drama of ‘humanity’ and who might in any case be puzzled to discover its interest or its importance ? Can it assure them that there is no human being so insignificant as not to be of infinite worth in the eyes of Him who created the Heavens, or so feeble but that his action may have consequence of infinite moment long after this material system shall have crumbled into nothingness ? Does it offer consolation to those who are bereaved, strength to the weak, forgiveness to the sinful, rest to those who are weary and heavy laden ?”

The same questions may be asked of Manu.

The answer to each one of them must be in the affirmative.

In short the philosophy of Hinduism is such that it cannot be called the Religion of humanity. That is why to use the language of Balfour, Hinduism, if it penetrates, does not vitrify the inmost life of ordinary humanity. Indeed if it does anything it paralyses it. There is in Hinduism no nourishment for ordinary human souls, no comfort for ordinary human sorrow, no help for ordinary human weakness. It

leaves men in darkness face to face with the unthinking energies of nature which gives them birth to which after a few fruitless struggles they succumb. Not less cruel than the crudest irreligion, does it leave men divorced from all communion with God.

Such is the philosophy of Hinduism. It is Superman's heaven and the common man's damnation.

I am conscious that my position regarding the philosophy of Hinduism will be assailed from different sides. So contrary it is to the current views about it that it is bound to be assailed. The attack may come from various sides.

It will be said that I am wrong in taking the Manu Smriti as the book of Hindu religion and that the true gospel of Hinduism is contained in the Vedas and the Bhagwat Gita..

I am sure no orthodox Hindu will be bold enough to repudiate the authority of Manu Smriti as a book of Hindu Religion. Such a charge can be made only by some reformed sects of Hinduism such as the Arya Samajists. But there can be no doubt that this charge is not well founded. To refute this charge it is perhaps desirable to explain¹ how the Smritis obtained a place and position of authority among the Hindus.

The Smritis originally were a collection of rules relating to social traditions, customs and conventions approved of and recommended by those who were learned in the Vedas. For a long time these rules existed only in the memory of those learned in the Vedas, so they began to be called Smritis i.e. things which are remembered in contrast to Vedas or Shruti that is things which were heard. In the beginning the Smritis even when they were codified were treated as rules of inferior value as compared with the rules contained in the Vedas.

The difference in their authority and binding force was the result of the natural difference between the trustworthiness of what is heard as compared to what is only remembered. There was also another reason of this differentiation in the two sorts of Dharma Shastra literature. This was based upon the status of their authors. The authors of the Vedas were Rishis. The authors of the Smritis were only learned men. The Rishis were superior in status and sanctity than those who were merely learned. Consequently the Vedas were treated as more authoritative than the Smritis.

The consequence arising from this was well expressed in the Hindu theological formula according to which if there was a conflict in the rules of two Vedas on the same subject it meant option for a rule of

¹ See the interesting article by Prof. Altekar on "The Position of Smritis as a Source of Dharma" in the Kane Memorial Volume pp. 18-25.

Vedas cannot be deemed to be inoperative. On the other hand, in a conflict between a rule of Shruti and a rule of Smriti the rule of Shruti prevailed because for the reasons stated above Smriti was inferior in authority to the Shruti. But as pointed out by Prof. Altekar, the Smritis in course of time came to be invested with the same authority as belonged to the Vedas. Various means were adopted to accomplish this purpose. In the first place the authors of the Smritis were elevated to the status of Rishis. The early Dharma Shashtra writers like Gautama, and Baudhayana were never given the status of a Rishi. But Manu and Yajnavalkya are reckoned as Rishis. By this means the status of the Smritis was equated to that of the Shrutis. The second means adopted was to regard the Smriti as the record from memory of a Shruti which was lost. Thus Smriti instead of being regarded as something quite different from Shruti came to be regarded as akin to and indistinguishable from Shruti. The result of these steps was a complete change in the rules regarding the authority of the two. Originally if there was a conflict between a Smriti and a Shruti, the Shruti prevailed. The new rule was that in case of conflict there was an option which meant that the Smriti rule was as operative as the Rule of Shruti. This new rule has been expressly laid down by Kumarila in his commentary on the Purvamimansa Sutra whereby the Smritis were made as authoritative as Shrutis.

While originally Hindu Society was bound to the Vedas and could not follow any rule which was contrary to the Vedas, the new rule altered the situation and left it to the option of society either to follow the Shruti or the Smriti. But even this option was later on taken away. This was done by making the study of the Smritis as compulsory as that of the Shruti.

This was done gradually. In the first place it was suggested that the Shrutis and Smritis are the two eyes of the Brahamana, if he is devoid of one he becomes a one-eyed person. Then came the theory that Brahmanyam is possible only as the result of a joint study of both the Vedas and the Smritis. Finally came the rule according to which the study of the Smriti only was recognized and a contempt of the Smriti was made a sin and a person guilty of it was declared to be condemned to be born as a beast for 21 generations.

This is how the Smritis have been recognized as a source of Hindu Religion and there is no doubt that, to quote Prof. Altekar, the Smritis;

“have played a great part in determining the features of many a social and socio-religious institutions and customs and in moulding the development of modern Hinduism.”

It cannot therefore be maintained that I was wrong in taking Manu Smriti as containing the philosophy of Hinduism.

This work of elevating the Smritis to the status of the Vedas was undertaken by the Brahmins for a most selfish reason. The Smritis contain in all its wild and luxurious growth the doctrine of Caste, the doctrine of the superiority of the Brahmins, their rights and privileges, the doctrine of the subordination of the Kshatriyas and Vaishyas and the doctrine of the degradation of the Shudras. Such being the philosophy of the Smritis, the Brahmins were directly interested in investing the Smritis with the authority which was claimed for the Vedas and in which they ultimately succeeded to their advantage but to the ruination of the whole country. But conceding—which orthodox and pious Hindu would do—that the Smritis do not contain the philosophy of Hinduism but that the same is to be found in the Vedas and the Bhagwat Geeta the question is what difference would this make in the result.

It seems to me that it matters very little whether one takes the Smritis, or the Vedas or the Bhagwat Geeta.

Do the Vedas teach something which is fundamentally different from what the Smritis do? Does the Bhagwat Geeta run contrary to the injunctions of the Smritis. A few illustrations will make the matter clear.

It is indisputable that the Vedas lay down the theory of Chaturvarna in what is known as the Purushasukta. This Purushasukta recognizes two basic principles. It recognizes the division of society into four sections as an ideal. It also recognizes that the ideal relationship between the four sections is inequality.

What the Bhagwat Geeta teaches is also beyond controversy. Its teaching may be summarized in the following four pronouncements made by Krishna in the Bhagwat Geeta.

(1) “I myself have created the arrangement known as Chaturvarna (i.e. the fourfold division of society into four castes Brahmins, Kshatriyas, Vaishyas and Shudras) assigning them different occupations in accordance with the native capacities. It is I who am the maker of this Chaturvarna”.— Gita. IV. 13

(2) “Even if it may be easier to follow the occupation of another *Varna* yet to follow the occupation of one’s own *Varna* is more meritorious, although one may not be able to do it quite efficiently. There is bliss in following the occupation of one’s own *Varna*, even if death were to result in performing it; but to follow the occupation of another *Varna* is risky “.—Geeta. III. 35.

(3) “The educated should not unsettle the faith of the uneducated who have become attached to their occupation. He himself should perform the occupation of his Varna and make others perform their’s accordingly. An educated man may not become attached to his occupation. But the uneducated and dull-minded people who have become attached to their occupation should not be spoiled by the educated by putting them on a wrong path by abandoning their own occupation”—Geeta III. 26, 29.

(4) “Oh, Arjun! Whenever this religion of duties and occupations (i.e. this religion of Chaturvarna) declines, then I myself will come to birth to punish those who are responsible for its downfall and to restore it—Geeta IV, 7-8.

Such is the position of Geeta. What difference is there between it and the Manu Smriti? Geeta is Manu in a nutshell. Those who run away from Manu Smriti and want to take refuge in Geeta either do not know Gita or are prepared to omit from their consideration that soul of Geeta which makes it akin to Manu Smriti.

Compare the teachings of the Veda, of the Bhagwat Geeta with what is contained in the Manu Smriti which I have taken as the text for elucidating the philosophy of Hinduism. What difference does one find? The only difference one can find is that the Vedas and the Bhagwat Geeta deal with General Theory while the Smritis are concerned in working out the particulars and details of that theory. But so far as the essence is concerned all of them—the Smritis, the Vedas and the Bhagwat Geeta—are woven on the same pattern, the same thread runs through them and are really parts of the same fabric.

The reason for this is obvious. The Brahmins who were the authors of the whole body of Hindu Religious Literature—except the Upanishad Literature—took good care to inject the doctrines formulated by them in the Smritis, into the Vedas and the Bhagwat Geeta. Nothing is to be gained in picking and chosing between them. The Philosophy of Hinduism will be the same whether one takes the Manu Smriti as its Gospel or whether one takes the Vedas and the Bhagwat Geeta as the gospel of Hinduism.

Secondly it will be contended that Manu Smriti is a Book of Laws and not a code of ethics and that what I have presented as a philosophy of Hinduism is only legal philosophy and is not the moral philosophy of Hinduism.

My answer to this contention is simple. I hold that in Hinduism there is no distinction between legal philosophy and moral philosophy. That is because in Hinduism there is no distinction between the Legal and the Moral, the Legal being also the Moral.

Not much evidence is necessary to support my contention. Take the meaning¹ of the word Dharma in the Rig Veda. The word Dharma occurs in the Rig Veda 58 times. It is used in six different senses. It is used to denote (1) Ancient custom, (2) Laws, (3) Any arrangement which maintains law and order in society, (4) The course of nature, (5) The quality of a substance and (6) Duty of good and evil. It will thus be seen that from the very beginning the word Dharma in Hinduism has a two fold connotation. It means both law and moral. That is one reason why in the philosophy of Hinduism there can be no distinction between legal philosophy and moral philosophy.

This is not to say that the Hindus have no code of morality. To be sure they have. But it is very pertinent to ask the nature and character of conduct which the Hindu Code of Ethics declares to be moral.

To have an idea of the nature of conduct which the Hindu thinks moral, it is better to begin by recognizing that there are three levels of conduct² which must be distinguished. (1) Conduct arising from instincts and fundamental needs (2) Conduct regulated by standards of society and (3) Conduct regulated by individual conscience. Conduct on the first level, we do not call moral conduct. It is of course not immoral; it is merely unmoral. It is governed by forces not as moral in purpose but as valuable in result. The forces are biological or sociological or psychological. These have purpose, such as to satisfy hunger, or to forge a weapon against an enemy. But the end is one set up by our physical or instinctive nature. So long as this is merely *accepted* as an inevitable end and not compared with others, valued, and *chosen*, it is not properly moral. Conduct on the second level is no doubt social. Wherever groups of men are living there are certain ways of acting which are common to the group—"folkways". There are *approved* ways of acting, common to a group, and handed down from generation to generation. Such approved ways of acting are called the mores or the morals of the group. They imply the judgment of the group that they are to be followed. The welfare of the group is regarded as in some sense imbedded in them. It becomes the duty of the individual to follow them and if any one acts contrary to them he is made to feel the group's disapproval. We cannot strictly speaking call the conduct moral. Because the end is accepted as a standard of 'good' prescribed by society. If it had spoken of a moral conduct it is only because it conforms to the mores or morals of the Society. It may be called customary morality. Conduct on the third level is conduct which alone is truly and completely moral. That is because in it the

¹ What follows is taken from an article on the subject by Mr. Yeshwant Ramkrishna Date in a Marathi Magazine called "Swadhaya" Double No. 7-8. First year pp. 18-21.

² In this I am entirely following the analysis given by Crawley and Tufts in their volume on Ethics.

individual *recognizes* the right or *chooses* the good, and freely devotes himself heartily to its fulfilment. He does not merely accept what is inevitable or follow what is approved by society. He values and chooses the end and becomes personally responsible. His is reflective morality.

On what level does Hindu morality stand? Obviously it is not on the third level. This means that a Hindu is social but not moral in the strict sense of the term. A Hindu takes no responsibility for the ends he serves. He is a willing tool in the hands of his society, content to follow. He is not a free agent not afraid to differ. His notions of sin give remarkable proof of his unmoral character. Institutes of Vishnu gives a list of sins which are divided into nine classes:—

1. Deadly sins—*atipataka*. These are certain forms of incest, to be atoned for only by burning.

2. Great sins—*mahapataka*. These are killing a Brahman, drinking spirituous liquor, stealing the gold of a Brahman, connexion with a Guru's wife; also social intercourse with those guilty of such sins.

3. Minor sins of a similar character—*anupataka*. These include the killing of certain other classes of persons, giving false evidence and killing a friend, stealing lands or deposits of a Brahman, certain forms of incest and adultery.

4. Minor sins—*upapataka*. Sins of false statement, neglect of certain religious duties, adultery, unlawful occupation, offences connected with marrying before an elder brother &c, not paying one's debts to the Gods, and manes, atheism & c.

5. Sins effecting loss of caste—*jatibramsakara*. Causing bodily pain to a Brahman, smelling things which should not be smelt, dishonest dealing, certain unnatural crimes.

6. Sins which degrade to a mixed caste—*samkarikarana*. Killing domestic or wild animals.

7. Sins which render one unworthy to receive alms—*apatrikarana*. Receiving presents and alms from despicable persons, trade, money— lending, lying, serving a Shudra.

8. Sins causing defilment—*malavaha*. Killing birds, amphibious animals, and aquatic animals, worms and insects; eating nutmegs or other plants similar in their effects to intoxicating liquors.

9. Miscellaneous sins—*prakirnaka*. Those not already mentioned.

This list of sins is not exhaustive but it, is long enough and illustrative enough to give us the idea which underlies the Hindu notion of Sin. In the first place it connotes the fall of man from a prescribed form of conduct. In the second place it means to be defiled, to become unclean. This is the root meaning of the term *Patak*. It

means *Patana* (falling away) and it means *Asowcha* (being rendered unclean). In either case sin according to Hindu notion is a disease of the soul. In the first sense it is merely breach of a rule of external conduct. In the other sense it is a defilement of the body to be cleaned and purified by both or by pilgrimage or by sacrificial offering. But it is never the spiritual defilement which is associated with the harbouring of evil thoughts and purposes.

This shows the morality of the Hindu is purely social. This means that the level of his morality is purely traditional and customary. There are two evils of customary morality. In the first place there is no surety that it will always be charged with sincerity and purity of motive. For it is only when morality penetrates to the deepest springs of purpose and feeling in the individual that pretense will cease to find a place in human behaviour. In the second place customary morality is an anchor and a drag. It holds up the average man and holds back the man who forges ahead. Customary morality is only another name for moral stagnation. This is true of all cases where morality is only customary morality. But the customary morality of the Hindus has an evil feature which is peculiar to it. Customary morality is a matter of meritorious conduct. Ordinarily this meritorious conduct is something which is good from the general or public point of view. But among the Hinduism the meritorious conduct is not concerned with the worship of God or the general good of community. Meritorious conduct in Hinduism is concerned with the giving of presents, of good and of honour to the Brahmins. Hindu Ethics is worship of the superman.

What difference would it have made if I had taken Hindu Ethics as the basis for deducing the philosophy of Hinduism? Most students of Hinduism forget that just as in Hinduism there is no difference between law and Religion so there is no difference between law and ethics. Both are concerned with the same thing namely regulating the conduct of the low class Hindus to *subserve* the ends of high Caste Hindus.

Thirdly it will be objected that I presented an altogether false picture of Hinduism in as much as I have omitted to take into account the Upanishads which are the true source of Hindu philosophy.

I admit that I have not taken the Upanishads into account. But I have a reason and I believe very good reason for doing so. I am concerned with the philosophy of Hinduism as a part of the philosophy of Religion. I am not concerned with Hindu philosophy. If I was, it would have been necessary to examine the Upanishads. But I am quite willing to deal with it so as to leave no doubt that what I have shown to be the philosophy of Hinduism is the philosophy of Upanishads.

The philosophy of the Upanishads can be stated in very few words. It has been well summarized by Huxley¹ when he says that the Upanishd philosophy agreed:—

“In supposing the existence of a permanent reality, or ‘substance’, beneath the shifting series of phenomena, whether of matter or of mind. The substance of the cosmos was ‘Brahma’, that of the individual man ‘Atman’; and the latter was separated from the former only, if I may so speak, by its phenomenal envelope, by the casing of sensations, thoughts and desires, pleasures and pains, which make up the illusive phantasmagoria of life. This the ignorant, take for reality; their ‘Atman’ therefore remains eternally imprisoned in delusions, bound by the fetters of desire and scourged by the whip of misery.

Of what use is this philosophy of the Upanishadas? The philosophy of the Upanishadas meant withdrawal from the struggle for existence by resort to asceticism and a destruction of desire by self mortification.

As a way of life it was condemned by Huxley² in scathing terms:—

“No more thorough mortification of the flesh has ever been attempted than that achieved by the Indian ascetic anchorite; no later monachism has so nearly succeeded in reducing the human mind to that condition of impassive quasi-somnambulism, which, but for its acknowledged holiness, might run the risk of being confounded with idiocy.” But the condemnation of the philosophy of the Upanishads is nothing as compared to the denunciation of the same by Lala Hardy³:—

“The Upanishads claim to expound ‘that, by knowing which everything is known’. This quest for ‘the absolute’ is the basis of all the spurious metaphysics of India. The treatises are full of absurd conceits, quaint fancies, and chaotic speculations. And we have not learned that they are worthless. We keep moving in the old rut; we edit and re-edit the old books instead of translating the classics of European social thought. What could Europe be if Frederic Harrison, Brioux, Bebel, Anatole France, Herve, Haeckel, Giddings, and Marshall should employ their time in composing treatises on Duns, Scotus and Thomas Aquinas, and discussing the merits of the laws of the Pentateuch and the poetry of Beowulf? Indian pundits and graduates seem to suffer from a kind of mania for what is effete and antiquated. Thus an institution, established by progressive men, aims at leading our youths through Sanskrit grammar to the Vadas

¹ Evolution and Ethics, p. 63.

² Evolution and Ethics p. 64

³ Modern Review. July. 1912.

via the Six Darshanas! What a false move in the quest for wisdom! It is as if a caravan should travel across the desert to the shores of the Dead Sea in search of fresh water! Young men of India, look not for wisdom in the musty parchments of your metaphysical treatises. There is nothing but an endless round of verbal jugglery there. Read Rousseau and Voltaire, Plato and Aristotle, Haeckel and Spencer, Marx and Tolstoi, Ruskin and Comte, and other European thinkers, if you wish to understand life and its problems.”

But denunciations apart, did the Upanishad philosophy have any influence on Hinduism as a social and political system? There is no doubt that it turned out to be most ineffective and inconsequential piece of speculation with no effect on the moral and social order of the Hindus.

It may not be out of place to inquire into the reasons for this unfortunate result. One reason is obvious. The philosophy of Upanishad remained incomplete and therefore did not yield the fruit which it ought to have done. This will be quite clear if one asks what is the key-note of the Upanishads. In the words of Prof. Max Muller¹ the key note of the Upanishads is ‘Know thy Self’. The ‘Know thy Self of the Upanishads, means, know thy true Self, that which underlies thine ego and find it and know it in the highest, the eternal self, the One without a Second, which underlies the whole world.”

That Atman and Brahman were one was the truth, the great truth which the Upanishads said they had discovered and they asked man to know this truth. Now the reasons why the philosophy of Upanishads, became ineffective are many. I will discuss them elsewhere. At this place I will mention only one. The philosophers of Upanishads did not realize that to know truth was not enough. One must learn to love truth. The difference between philosophy and religion may be put in two ways. Philosophy is concerned with knowing truth. Religion is concerned with the love of truth. Philosophy is static. Religion is dynamic. These differences are merely two aspects of one and the same thing. Philosophy is static because it is concerned only with knowing truth. Religion is dynamic because it is concerned with love of truth. As has been well said by Max Plowman²:—

“..... Unless religion is dynamic and begets in us the emotion of love for something, then it is better to be without any thing that we can call religion; for religion is perception of truth and if our perception of truth is not accompanied by our love for it then it were better not seen at all; The Devil himself is one who has seen

¹ Hibbert lectures 1878. p. 317.

² “The Nemesis of Ineffectual Religion”— Adelphi, January 1941.

the truth only to hate it. Tennyson said “We must love the highest when we see it”. It does not follow. Seen in pure objectivity the highest repels by its difference and distance; what we fear it, and what we fear we come to hate

This is the fate of all treanscendal philosophies. They have no influence on the way of life. As Blake said “ Religion is politics and politics is Brotherhood. Philosophy must become Religion that is it must become a Working Ethic. It must not remain mere metaphysics. As Mr. Plowman says—

“If religion were a Metaphysic and nothing else, one thing is certain, it would never be the concern of the simple and humble men.

“To keep it wholly in the realm of Metaphysic is to make nonsense of it. For belief in religion as in something not directly and vitally effective of politics is ultimately belief that is strictly speaking idiotic; because in the effective sense such a belief makes no difference, and in the world of time and space what ‘makes no difference’ does not exist.”

It is for these very reasons that the philosophy of the Upanishads proved so ineffective.

It is therefore incontrovertible that notwithstanding the Hindu Code of Ethics, notwithstanding the philosophy of the Upanishads not a little not a jot did abate from the philosophy of Hinduism as propounded by Manu. They were ineffective and powerless to erase the infamy preached by Manu in the name of religion. Notwithstanding their existence one can still say

“Hinduism! Thy name is inequality!”

V

Inequality is the soul of Hinduism. The morality of Hinduism is only social. It is unmoral and unhuman to say the least. What is unmoral and unhuman easily becomes immoral, inhuman and infamous. This is what Hinduism has become. Those who doubt this or deny this proposition should examine the social composition of the Hindu Society and ponder over the condition of some of the elements in it. Take the following cases.

First as to the Primitive Tribes. In what state of civilization are they ?

The history of human civilization includes the entire period of human progress from Savagery to Barbarism and from Barbarism to Civilization. The transition from one to other has been marked by

some discovery or intention in some department of knowledge of Art resulting in advancing the onward march of man.

The development of articulate speech was the first thing which, from the point of view of human progress, divided man from the brute. It marks the first stage of savagery. The Middle period of the state of savagery began with the knowledge of the manufacture and use of fire. This wonderful discovery enabled man to extend his habit almost indefinitely. He could leave his forest home, go to different and colder climates, and increase his food supply by including flesh and fish. The next discovery was the Bow and Arrow. This was the greatest achievement of primitive man and marks the highest state of savage man. It was indeed a wonderful implement. The possessor of this device could bring down the fleetest animal and could defend himself against the most predatory.

The transition from Savagery to Barbarism was marked by the discovery of pottery. Hitherto man had no utensils that could withstand the action of fire. Without utensils man could not store nor could he cook. Undoubtedly pottery was a great civilizing influence.

The Middle state of Barbarism began when man learned to domesticate wild animals. Man learned that captive animals could be of service to him. Man now became a herdsman, no longer dependent for food upon the precarious chase of wild animals. Milk procurable at all seasons made a highly important addition to his dietary. With the aid of horse and camel he traversed wide areas hitherto impassable. The captive animals became aids to commerce which resulted in the dissemination of commodities as well as of ideas.

The next discovery was of the Art of smelting iron. This marks the highest stage of advancement of Barbaric man. With this discovery man became a “tool-making animal” who with his tool could fashion wood and stone and build houses and bridges.

This marks the close of the advancement made by Barbaric man.

The dividing line which marks off Barbaric people from Civilized people, in the fullest sense of the word Civilization, is the art of making ideas tangible by means of graphic signs—which is called the art of writing. With this man conquered time as he had with the earlier inventions conquered space. He could now record his deeds and his thoughts. Henceforth, his knowledge, his poetical dreams, his moral aspirations might be recorded in such form as to be read not merely by his contemporaries but by successive generations of remote posterity. For man his history became safe and secure. This was the steepest ascent and the climbing of it marks the beginnings of civilization.

Stopping here for the moment let us ask in what state of civilization are the Primitive Tribes.

The name Primitive Tribes¹ is expressive of the present state of people who are called by that name. They live in small scattered huts in forests. They live on wild fruits, nuts and roots. Fishing and hunting are also resorted to for the purpose of securing food. Agriculture plays a very small part in their social economy. Food supplies being extremely precarious, they lead a life of semi-starvation from which there is no escape. As to clothes they economize them to a vanishing point. They move almost in a state of complete nakedness. There is a tribe which is known as “Bonda Porajas” which means “Naked Porajas”. Of these people it is said that the women wear a very narrow strip which serves as a petticoat almost identical with what is worn by the Momjak Nagas in Assam, the ends hardly meeting at the top on the left thigh. These petticoats are woven at home out of the fibre of a forest tree. Girls wear a fillet of beads and of palmyra leaf and an enormous quantity of beads and neck ornaments extremely like those worn by many Komjak women. Otherwise the women wear nothing. The women shave their heads entirely Of these Chenchus, a tribe residing near Farhabad in the Nizam’s Dominions it is said that” their houses are conical, rather slight in structure made of bamboos sloping to the central point and covered with a thinnish layer of thatch They have very little, indeed, in the way of material effects, the scanty clothes they wear, consisting of a *langoti* and a cloth in the case of men, and a short bodice and a petticoat in the case of women, being practically all, besides a few cooking pots and a basket or two which perhaps sometimes contains grain. They keep cattle and goats and in this particular village do a little cultivation, elsewhere subsisting on honey and forest produce which they sell”. Regarding the Morias, another Primitive tribe, it is stated the men generally wear a single cloth round the waist with a flap coming down in the front. They also have a necklace of beads and when they dance put on cock’s plumes and peacock’s feathers in their turbans. Many girls are profusely tattooed, especially on their faces, and some of them on their legs as well. The type of tattooing is said to be according to the taste of the individual and it is done with thorns and needles. In their hair many of them stick the feathers of jungle cocks and their heads are also adorned with combs of wood and tin and brass.

These Primitive Tribes have no hesitation about eating anything, even worms and insects, and, in fact, there is very little meat that they will

¹ This and other information is taken from Census of India 1931 Vol. I part

not eat, whether the animal has died a natural death or has been killed four days or more before by a tiger.

The next group of the people he will come accross are the Criminal Tribes.

The Criminal Tribes live not in Forests as the Primitive Tribes do but in the plains in close proximity to, and often in the midst of civilized life. Hollius in his "Criminal Tribes of the United Provinces" gives an account of their activities. They live entirely by crime. A few may be ostensibly engaged in agriculture, but this is only to cover up their real activities. Their nefarious practices find largest scope in dacoity or robbery by violence, but being a community organized for crime, nothing comes amiss to them. On deciding to commit a dacoity in any particular locality spies are sent out to select a suitable victim, study the general habits of the villagers, and the distance from any effective aid, and ennumerate the number of men and firearms. The raid usually takes place at midnight. Acting on the information given by the spies, men are posted at various points in the village and by firing off their guns attract attention from the main gang which attacks the particular house or houses previously appointed. The gang usually consists of 30 to 40 men.

It is essential to emphasize the great part played by crime in the general life of these peoples. A boy is initiated into crime as soon as he is able to walk and talk. No doubt the motive is practical, to a great extent, in so far as it is always better to risk a child in petty theft, who, if he is caught, would probably be cuffed, while an adult would immediately be arrested. An important part is also played by women, who, although they do not participate in the actual raids, have many heavy responsibilities. Besides being clever in disposing off stolen property the women of the Criminal Tribes are experts in shop lifting.

At one time the Criminal Tribes included such well organized Confederacies of Professional Criminals as the Pindharies and the Thugs.

The Pindharies were a predatory body of armed gangsters. Their organization was an open military organization of freebooters who could muster 20000 fine horse and even more. They were under the command of brigand chiefs. Chitu one of the most powerful commanders had under his single command 10000 horse, including 5000 good cavalry, besides infantry and guns. The Pindharies had no military projects for employing their loose bands of irregular soldiery, which developed into bodies of professional plunderers. The Pindharies aimed at no conquests. Their object was to secure booty and cash for themselves. General loot and rapine was their occupation.

They recognized no rulers. They were subjects of none. They rendered loyalty to none. They respected none, and plundered, all, high and low, rich and poor, without fear or compunction.

The Thugs¹ were a well organized body of professional assassins, who, in gangs of from 10 to 100 wandered in various guises throughout India, worked themselves into the confidence of wayfarers of the wealthier class, and, when a favourable opportunity occurred, strangled them by throwing a handkerchief or noose round their necks, and then plundered and buried them. All this was done according to certain ancient and rigidly prescribed forms and after the performance of special religious rites, in which was the consecration of the package, and the sacrifice of sugar. They were staunch worshippers of Kali, the Hindu Goddess of destruction. Assassination for gain was with them a religious duty, and was considered a holy and honourable profession. They had, in fact, no idea of doing wrong, and their moral feelings did not come into play. The will of the Goddess, by whose command and in whose honour they followed their calling, was revealed to them through a very complicated system of omens. In obedience to these they often travelled even the distance of hundred miles in company with, or in the wake of, their intended victims before a safe opportunity had presented itself for executing their design; and when the deed was done, rites were performed in honour of that tutelary deity, and a goodly portion of the spoil was set apart for her. The Thugs had also a jargon of their own, as well as certain signs by which its members recognized each other in the remotest part of India. Even those who from age or infirmities could no longer take an active part in the operations, used to aid the cause as watchmen, spies or dressers of food. It was owing to their thorough organization, the secrecy and security with which they went to work, but chiefly to the religious garb in which they shrouded their murders, that they could continue for centuries to practise their craft. The extraordinary fact was that Thuggee was regarded as a regular profession by Indian Rulers of the day, both Hindu and Mahomedans. The Thugs paid taxes to the state and the state left them unmolested.

It was not until the British became rulers of the country that an attempt was made to suppress the Thugs. By 1835, 382 Thugs were hanged and 986 were transported or imprisoned for life. Even as late as 1879 the number of registered Thugs was 344 and the Thuggee and the Dacoity department of the Government of India continued to exist until 1904 when its place was taken by the Central Criminal Intelligence Department. While it is not possible for the criminal

¹ Encyclopedia Britannica. 11th Ed. Vol. XXVI p. 896.

tribes to live by organized bodies of criminals, crime continues to be their main occupation.

Besides these two classes there is a third class which comprizes a body of people who are known as Untouchables.

Below the Untouchables there are others who are known as Unapproachables. Untouchables are those who cause pollution only if they touch. The Unapproachables are those who cause pollution if they come within a certain distance. It is said of the Nayadis—a people who fall into the category of the Unapproachables, “that they are the lowest caste among the Hindus—the dog-eaters. They are the most persistent in their clamour for charity, and will follow at a respectful distance, for miles together any person walking, driving or boating. If any thing is given to them, it must be laid down, and after the person offering it has proceeded a sufficient distance, the receipient comes timidly forward, and removes it.” Of the same people Mr. Thurston says, “The subject (i.e. the Nayadis) whom I examined and measured at Shoranus, though living only about three miles off, had, by reason of the pollution which they traditionally carry with them to avoid walking over the long bridge which spans the river, and follow a circuitous route of many miles”

Below the Unapproachables are the Unseeables.

In the Tinnevelley District of the Madras Presidency there is a class of unseeables called Purada Vannans. Of them it is said,” that they are not allowed to come out during day time because their sight is enough to cause pollution. These unfortunate people are ‘compelled’ to follow the nocturnal habits, leaving their dens after dark and scuttling home at the false dawn like the badger, the hyena, the avordvark.”

Consider the total population of these classes. The Primitive Tribes form a total of 25 million souls. The Criminal Tribes number 4½ millions and the Untouchables number 50 millions. This makes a grand total of 79½ millions. Now ask how these people could have remained in the state of moral, material, social and spiritual degradation surrounded as they have been by Hinduism. Hindus say that their civilization is older than any civilization, that Hinduism as a religion is superior to any other religion. If this is so how is that Hinduism failed to elevate these people, bring them enlightenment and hope; how is it that it failed even to reclaim them; how is it that it stood with folded hands when millions and millions were taking to life to shame and crime? What is the answer to this. The only answer is that Hinduism is overwhelmed with the fear of pollution. It has not got the power to purify. It has not the impulse to serve and that is because by its very nature it is unhuman and unmoral. It is a misnomer to call it religion. Its philosophy is opposed to very thing for which religion stands.

CHAPTER 3

SLAVES AND UNTOUCHABLES

Far from being ashamed of untouchability, the Hindus try to defend it. The line of their defence is that the Hindus have never upheld slavery as other nations have done and that in any case, untouchability is not worse than slavery. This argument was used by no less a person than the late Lala Lajpat Rai in his book called 'Unhappy India'. It would have been unnecessary to waste one's time in refuting this countercharge had it not been that on account of its plausibility the world at large not having witnessed anything worse than slavery is likely to believe that untouchability cannot be worse than slavery.

The first reply to the counter-charge is that it is quite untrue that slavery was not recognised by the Hindus. Slavery is a very ancient institution of the Hindus. It is recognised by Manu, the Hindu lawgiver and has been elaborated and systematized by the other Smriti writers who followed Manu. Slavery among the Hindus was never merely ancient institution which functioned only in some hoary past. It was an institution which continued throughout Indian history down to the year 1843 and if it had not been abolished by the British Government by law in that year, it might have continued even today.

As to the relative merits of slavery and untouchability, the best way to meet the counter-charge is to compare and contrast untouchability with slavery as it existed in ancient Rome and in modern America.

What was the *de facto* condition of the slaves in the Roman Empire? The best description I know of is to be found in Mr. Barrow's *Slavery in the Roman Empire*. Says¹ Mr. Barrow:

"Hitherto, it is the repulsive side of household slavery that has been sketched. There is also another aspect. The literature reveals the vast household as normal. It is, of course, the exception. Large slave staffs undoubtedly existed, and they are generally to be found in Rome. In Italy and the Provinces there was less need of display; many of the staff of the Villa were engaged in productive work connected with land and its produce. The old-fashioned relationship

¹ Slavery in the Roman Empire, pp. 47-49.

between foreman and slave remained there; the slave was often a fellow worker. The kindliness of Pliny towards his staff is well-known. It is in no spirit of self-righteousness, and in no wish to appear in a favourable light in the eyes of the future generations which he hoped would read his letters that he tells of his distress at the illness and death of his slaves. The household (or Pliny) is the slaves' republic. Pliny's account of his treatment of his slaves is sometimes regarded as so much in advance of general or even occasional practice as to be valueless as evidence. There is no reason for this attitude.

From reasons both of display and genuine literary interest, the rich families attached to their households, slaves trained in literature and art. Clavisices Sabinus is said by Seneca to have had eleven slaves taught to recite Homer, Hesiod, and nine lyric poets by heart. 'Book cases would be cheaper', said a rude friend. 'No, what the household knows the master knows' was the answer. But, apart from such abuses, educated slaves must have been a necessity in the absence of printing;.... The busy lawyer, the dilettante poet, the philosopher and educated gentlemen of literary tastes and need of copyists and readers and secretaries. Such men were naturally linguistic also; a *librarius* who dies at the age of twenty boasts that he was 'literatus Graecis Latinis'. *Amanuenses* were common enough; librarians are to be found in public and private libraries.... Shorthand writing was in common use under the Empire, and slave *Notarii* were regularly employed. Many freemen, rhetoricians and grammarians are collected by Suetonius in a special treatise. Verrius Flaccus was tutor to Augustus's grandsons, and at death was publicly honoured by a statue. Scribonius Aphrodisius was the slave and disciple of Orbilius and was afterwards freed by Scribonia. Hyginus was librarian of the Palatine Library, in which office he was followed by Julius Modestus, his own freeman. We hear of freemen historians of a slave philosopher who was encouraged to argue with his master, friends of slaves and freed architects. Freemen as doctors occur frequently in the inscriptions, some of them specialists, they had been trained in big households as slaves, as is shown by one or two examples; after Manumission they rose to eminence and became notorious for their high fees."

The tastes of some section of society demanded that dancers, singers, musicians, mountebanks, variety artists, athletic trainers and messieurs should be forthcoming. All these are to be found in slavery, often trained by teachers who had acquired some reputation¹.

¹ Slavery in the Roman Empire, p. 63.

SLAVES AND UNTOUCHABLES

11

The age of Augustus was the beginning of a period of commercial and industrial expansion....slaves had indeed been employed (in arts and crafts) before, but the sudden growth of trade.... their employment in numbers that would otherwise have been unnecessary. Romans engaged more freely and more openly in various forms of commercial and industrial venture. Yet, even so, the agent became more important, for commercial activities became more widespread; and such agents were almost necessarily slaves.... (this is so) because the bonds of slavery (are elastic). (They could be) so relaxed as to offer an incentive to the slave to work by the prospect of wealth and freedom, and so tightened as to provide a guarantee to the master against loss from the misconduct of his slave. In business contracts between slave and master or third person seem to have been common, and the work thus done, and no doubt, the profits were considerable.... Renting of land to the slave has already been noticed.... and in industry much the same system was used in various forms; the master might lease a bank, or a business of the use of a ship, the terms being a fixed return or the slave being paid on a commission basis¹.

The earnings of the slave became in law his peculium was saved it might be used to a variety of purpose. No doubt in many cases this fund was expended in providing food or pleasure. But peculium must not be regarded merely as petty savings, casually earned and idly spent. The slave who made his master's business yield profits, to his own profit too, very often, had a keen sense of the best use to make up his own money. Often he reinvested it in his master's business or in enterprises entirely unrelated to it. He could enter into business relations with his master, from whom he came to be regarded as entirely distinct, or he could make contracts with a third person. He could even have procurators to manage his own property and interests. And so with the peculium may be found not only land, houses, shops, but rights and claims.

The activities of slaves in commerce are innumerable; numbers of them are shopkeepers selling every variety of food, bread, meat, salt, fish, wine, vegetables, beans, lupine-seed, honey, curd, ham, ducks and fresh fish; others deal in clothing—sandals, shoes, gowns and mantles. In Rome, they plied their trade in the neighbourhood of the Circus Maximus, or the Porticus Trigemini; or the Esquiline Market, or the Great Market (on the Caelian Hill) or the Subura²....

¹ Slavery in the Roman Empire, pp. 101-102.

² *Ibid.*, p. 105.

The extent to which slave secretaries and agents acted for their masters is shown very clearly in the receipts found in the house of Caecilius Jucundus at Pompei¹.

That the State should possess slaves is not surprising; war, after all, was the affair of the State and the captive might well be State-property. What is surprising is the remarkable use made of public slaves under the Empire and the extraordinary social position occupied by them....

“‘Public slave’ came to mean before the Empire a slave of the State employed in its many offices, and the term implied a given occupation and often social position. The work of slaves of the State, slaves of the townships, and slaves of Caesar comprises much of what would now fall to parts of the higher and the whole of the lower branches of the civil services and of the servants of Municipal Corporations, working both with head and hands.... In the subordinate levels (of the Treasury) there worked numbers of clerks and financial officers, all freedmen and slaves. The business dealt with must have been of vast range.... The Mint.... the immediate head was a knight, in charge of the minting processes.... a freedman was placed; under him served freedmen and slaves.... From one branch of State service, at any rate, slaves were rigorously excluded, except on one or two occasions of exceptional stress. They were not allowed to fight in the Army because not thought worthy of honour. Doubtless other motives were present also; it would be dangerous experiment to train too many slaves systematically in the use of Arms. If, however, slaves served rarely in the fighting line, they are regularly to be found in great numbers behind it employed as servants, and in the commissariat and transport. In the fleet slaves were common enough².”

II

Let us turn to the *de facto* position of the Negro in the United States during the period in which he was slave in the eye of the law. Here are some facts³ which shed a good deal of light on his position:

“Lafayette himself had observed that white and black seamen and soldiers had fought and messed together in the Revolution without bitter difference. Down in Granville County, North Carolina, a full blooded Negro, John Chavis, educated in Princeton University, was conducting a private school for white students and was a licentiate

¹ Slavery in the Roman Empire, p. 106.

² *Ibid.*, pp. 130-147.

³ Charles C. Johnson’s ‘The Negro in American Civilization’.

under the local Presbytary, preaching to white congregations in the State. One of his pupils became Governor of North Carolina, another the State's most prominent Whig senator. Two of his pupils were sons of the Chief Justice of North Carolina. The father of the founder of the greatest military Academy of the State attended his school and boarded in his home Slave labour was used for all kinds of work and the more intelligent of the Negro slaves were trained as artisans to be used and leased. Slave artisans would bring twice as much as an ordinary field hand in the market. Master craftsmen owned their staff. Some masters, as the system became more involved, hired slaves to their slave artisans. Many slave artisans purchased their freedom by the savings allowed them above the normal labour expected."

"The advertisements for runaways and sales are an index to this skill. They received the same or better wages than the poor white labourer and with the influence of the master got the best jobs. The Contractors for masons' and carpenters' work in Athens, Georgia in 1838 were petitioned to stop showing preference to Negro labourers. "The white man is the only real, legal, moral, and civil proprietor of this country and state. The right of his proprietorship reached from the date of the studies of those whitemen, Copernicus and Galileo, who indicated the sphericity of the earth; which sphericity hinted to another white man, Columbus, the possibility by a westerly course of sailing, of finding land. Hence by whitemen alone was this continent discovered, the whitemen alone, aye, those to whom you decline to give money for bread or clothes for their famishing families, in the logical manner of withholding work from them defending Negroes too in the bargain." In Atlanta in 1858 a petition signed by 2 white mechanics and labourers sought protection against the black slave artisans of masters who resided in other sections. The very next year sundry white citizens were aggrieved that the City Council tolerated a Negro dentist to remain and operate in their midst. 'In justice to ourselves and the community it ought to be abated. We, the residents of Atlanta, appeal to you for justice'. A Census of free Negroes in Richmond County, Georgia, in 1819 showed carpenters, barbers, boatcorkers, saddlers, spinners, millwrights, holsters, weavers, harness makers, sawmill attendants and steamboat pilots. A Negro shoe-maker made by hand the boots in which President Munrow was inaugurated. Harriet Martineau marvelled at the slave workmanship in the delicately tiled floors of Thomas Jefferson's home at Monticello. There still stands in the big house of the old plantation, heavy marks of the hands of these

Negro craftsmen, strong mansions built of timber hewn from the original oak and pinned together by wooden pins. Negro women skilled in spinning and weaving worked in the mills. Buckingham in 1839 found them in Athens, Georgia, working alongside with white girls without apparent repugnance or objection. Negro craftsmen in the South, slave and free fared better than their brothers in the North. In 1856 in Philadelphia, of 1637 Negro craftsmen recorded, less than two-thirds could use their trades; 'because of hostile prejudice'. The Irish who were pouring into America from the very beginning of the nineteenth century were being used in the North on approximately the same motives of preference which governed Negro slavery. 'An Irish Catholic, it was argued in their favour, seldom attempts to rise to a higher condition than that in which he is placed, while the Negro often makes the attempt with success. Had not the old Puritan Oliver Cromwell, while the traffic in black slaves was on, sold all the Irish not killed in the Drogheda Massacre, into Barbados? Free and fugitive Negroes in New York and Pennsylvania were in constant conflict with this group and the bitter hostility showed itself most violently in the draft riots of the New York. These Hibernians controlled the hod carrying and the common labour jobs, opposing every approach of the Negro as a menace to their slight hold upon America and upon a means of livelihood."

III

Such was the *de facto* condition of the Roman slave and the American Negro slave. Is there anything in the condition of the Untouchables of India which is comparable with the condition of the Roman slave and the American Negro slave? It would not be unfair to take the same period of time for comparing the condition of the Untouchables with that of the slaves under the Roman Empire. But I am prepared to allow the comparison of the condition of the slaves in the Roman Empire to be made with the condition of the Untouchables of the present day. It is a comparison between the worst of one side and the best of the other, for the present times are supposed to be the golden age for the Untouchables. How does the *de facto* condition of the Untouchables compare with the *de facto* condition of the slaves? How many Untouchables are engaged as the slaves in Rome were, in professions such as those of Librarians, Amanuenses, Shorthandwriters? How many Untouchables are engaged, as the slaves in Rome were, in such intellectual occupations as those of rhetoricians,

grammarians, philosophers, tutors, doctors and artists? How many Untouchables are engaged, as the slaves in Rome? Can any Hindu dare to give an affirmative answer to anyone of these queries? The Untouchables are completely shut out from any of these avenues in which the slaves found so large a place. This proves how futile is the line of defence adopted by the Hindus to justify untouchability. The pity of the matter is that most people condemn slavery simply because they hold that for one man or class to have by law the power of life and death over another is wrong. They forget that there can be cruel oppression, tyranny, and persecution, with the train of misery, disappointment and desperation even when there is no slavery. Those who will take note of the facts stated above relating to the *de facto* condition of the slaves will admit that it is idle to condemn slavery lightly or hurriedly on the mere *de jure* conception of it. What the law permits is not always evidence of the practices prevalent in society. Many a slave would readily have admitted that they owed everything to slavery, and many did so whether they would have admitted it or not.

Slavery, it must be admitted, is not a free social order. But can untouchability be described as a free social order? The Hindus who came forward to defend untouchability no doubt claim that it is. They, however, forget that there are differences between untouchability and slavery which makes untouchability a worse type of an unfree social order. Slavery was never obligatory. But untouchability is obligatory. A person is *permitted* to hold another as his slave. There is no compulsion on him if he does not want to. But an Untouchable has no option. Once he is born an Untouchable, he is subject to all the disabilities of an Untouchable. The law of slavery permitted emancipation. Once a slave always a slave was not the fate of the slave. In untouchability there is no escape. Once an Untouchable always an Untouchable. The other difference is that untouchability is an indirect and therefore the worst form of slavery. A deprivation of a man's freedom by an open and direct way is a preferable form of enslavement. It makes the slave conscious of his enslavement and to become conscious of slavery is the first and most important step in the battle for freedom. But if a man is deprived of his liberty indirectly he has no consciousness of his enslavement. Untouchability is an indirect form of slavery. To tell an Untouchable 'you are free, you are a citizen, you have all the rights of a citizen', and to tighten the rope in such a way as to leave him no opportunity to realize the ideal is a cruel deception. It is enslavement without making the Untouchables conscious of their enslavement. It is slavery though it is untouchability. It is real though it is indirect. It is enduring because it is unconscious. Of the two orders, untouchability is beyond doubt the worse.

Neither slavery nor untouchability is a free social order. But if a distinction is to be made—and there is no doubt that there is distinction between the two—the test is whether education, virtue, happiness, culture, and wealth is possible within slavery or within untouchability. Judged by this test it is beyond controversy that slavery is hundred times better than untouchability. In slavery there is room for education, virtue, happiness, culture, or wealth. In untouchability there is none. Untouchability has none of the advantages of an unfree social order such as slavery. It has all the disadvantages of a free social order. In an unfree social order such as slavery there is the advantage of apprenticeship in a business, craft or art or what Prof. Mures calls ‘an initiation into a higher culture’. Neither the crushing of untouchability nor the refusal of personal growth was necessary inherent in slavery, especially slavery as it existed in Roman Empire. It is therefore overhasty to say that slavery is better than untouchability.

This training, this initiation of culture was undoubtedly a great benefit to the slave. Equally it involved considerable cost to the master to train his slave, to initiate him into culture. ‘There can have been little supply of slaves educated or trained before enslavement. The alternative was to train them when young slaves in domestic work or in skilled craft, as was indeed done to some extent before the Empire, by Cato, the Elder, for example. The training was done by his owner and his existing staff.... indeed the household of the rich contained special pedagogue for this purpose. Such training took many forms, industry, trade, arts and letters’.

The reason why the master took so much trouble to train the slave and to initiate him in the higher forms of labour and culture was undoubtedly the motive of gain. A skilled slave as an item was more valuable than an unskilled slave. If sold, he would fetch better price, if hired out he would bring in more wages. It was therefore an investment to the owner to train his slave.

In an unfree social order, such as slavery, the duty to maintain the slave in life and the body falls upon the master. The slave was relieved of all responsibility in respect of his food, his clothes and his shelter. All this, the master was bound to provide. This was, of course, no burden because the slave earned more than his keep. But a security for boarding and lodging is not always possible for every freeman as all wage-earners now know to their cost. Work is not always available even to those who are ready to toil and a workman cannot escape the rule according to which he gets no bread if he finds no work. This rule—no work no bread—has no applicability to the slave. It is the

duty of the master to find bread and also to find work. If the master fails to find work, the slave does not forfeit his right to bread. The ebbs and tides of business, the booms and depressions are vicissitudes through which all free wage-earners have to go. But they do not affect the slave. They may affect his master. But the slave is free from them. He gets his bread, perhaps the same bread, but bread whether it is boom or whether it is depression.

In an unfree social order, such as slavery, the master is bound to take great care of the health and well-being of the slave. The slave was property of the master. But this very disadvantage gave the slave an advantage over a freeman. Being property and therefore valuable, the master for sheer self-interest took great care of the health and well-being of the slave. In Rome, the slaves were never employed on marshy and malarial land. On such a land only freemen were employed. Cato advises Roman farmers never to employ slaves on marshy and malarial land. This seems strange. But a little examination will show that this was quite natural. Slave was valuable property and as such a prudent man who knows his interest will not expose his valuable possession to the ravages of malaria. The same care need not be taken in the case of freeman because he is not valuable property. This consideration resulted into the great advantage of the slave. He was cared for as no one was.

Untouchability has none of the three advantages of the unfree social order mentioned above. The Untouchable has no entry in the higher arts of civilization and no way open to a life of culture. He must only sweep. He must do nothing else. Untouchability carries no security as to livelihood. None from the Hindus is responsible for the feeding, housing and clothing of the Untouchable. The health of the Untouchable is the care of nobody. Indeed, the death of an Untouchable is regarded as a good riddance. There is a Hindu proverb which says 'The Untouchable is dead and the fear of pollution has vanished'.

On the other hand, untouchability has all the disadvantages of a free social order. In a free social order the responsibility for survival in the struggle for existence lies on the individual. This responsibility is one of the greatest disadvantages of a free social order. Whether an individual is able to carry out this responsibility depends upon fair start, equal opportunity and square deal. The Untouchable, while he is a free individual, had neither fair start, nor equal opportunity nor square deal. From this point of view, untouchability is not only worse than slavery but is positively cruel as compared to slavery. In slavery, the master has the obligation to find work for the slave. In a system of

free labour workers have to compete with workers for obtaining work. In this scramble for work what chances has the Untouchable for a fair deal? To put it shortly, in this competition with the scales always weighing against him by reason of his social stigma he is the last to be employed and the first to be fired. Untouchability is cruelty as compared to slavery because it throws upon the Untouchables the responsibility for maintaining himself without opening to him fully all the ways of earning a living.

To sum up, the Untouchables unlike the slaves are owned by the Hindus for purposes which further their interests and are disowned by them, when owning them places them under burden. The Untouchables can claim none of the advantages of an unfree social order and are left to bear all the disadvantages of a free social order.

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CHAPTER 4

THE INDIAN GHETTO—THE CENTRE OF UNTOUCHABILITY— Outside the Fold

What is the position of the Untouchables under the Hindu social order? To give a true idea of their position is the main purpose of this chapter. But it is not easy to strike upon the best means of conveying a realistic and concrete picture of the way the Untouchables live or rather are made to live under the Hindu social order to one who has no conception of it. One way is to draw a model plant so to say of the Hindu social order and show the place given to the Untouchables therein. For this it is necessary to go to a Hindu village. Nothing can serve our purpose better. The Hindu village is a working plant of the Hindu social order. One can see there the Hindu social order in operation in full swing. The average Hindu is always in ecstasy whenever he speaks of the Indian village. He regards it as an ideal form of social organization to which he believes there is no parallel anywhere in the world. It is claimed to be a special contribution to the theory of social organization for which India may well be proud of.

How fanatic are the Hindus in their belief in the Indian village as an ideal piece of social organisation may be seen from the angry speeches made by the Hindu members of the Indian Constituent Assembly in support of the contention that the Indian Constitution should recognize the Indian village as its base of the constitutional pyramid of autonomous administrative units with its own legislature, executive and judiciary. From the point of view of the Untouchables, there could not have been a greater calamity. Thank God the Constituent Assembly did not adopt it. Nevertheless the Hindus persist in their belief that the Indian village is an ideal form of social organization. This belief of the Hindus is not ancestral belief, nor does it come from the ancient past. It is borrowed from Sir Charles Metcalfe—a civil servant of the East India Company. Metcalfe, who was a revenue officer, in one of his Revenue Papers described the Indian village in the following terms¹:

“The village communities are little republics, having nearly everything they want within themselves and almost independent of

¹ Quoted by Baden Powell in his “Land System of British India”—Vol. I.

any foreign relations. They seem to last when nothing else lasts. Dynasty after dynasty tumbles down, revolution succeeds to revolution; Hindu, Pathan, Moghul, Maratha, Sikh, English, all are masters in turn, but the village communities remain the same. In times of trouble they arm and fortify themselves. An hostile army passes through the country, the village communities collect their cattle within their walls and let the enemy pass unprovoked. If plunder and devastation be directed against themselves, and the forces employed be irresistible, they flee to friendly villages at a distance; but when the storm has passed over, they return and resume their occupations. If a country remains for a series of years the scene of continued pillage and massacre so that the villages cannot be inhabited, the scattered villagers nevertheless return whenever the power of peaceable possession revives. A generation may pass away, but the succeeding generation will return. The sons will take the place of their fathers; the same site for the village, the same position for their houses, the same lands will be reoccupied by the descendants of those who were driven out when the village was repopulated; and it is not a trifling matter that will drive them out, for they will often maintain their post through times of disturbances and convulsion, and acquire strength sufficient to resist pillage and oppression with success. This union of the village communities, each one forming a little state in itself, has, I conceive, contributed more than any other cause to the preservation of the people of India, through all the revolutions and changes which they have referred, and is in a high degree conducive to their happiness and to the enjoyment of a great portion of freedom and independence.”

Having read this description of an Indian village given by a high-placed member of the governing class, the Hindus felt flattered and adopted his view as a welcome compliment. In adopting this view of the Indian village, the Hindus have not done any justice to their intelligence or their understanding. They have merely exhibited the weakness common to all subject people. Since many foreigners are led to accept this idealistic view of the Indian village, it would be better to present a realistic picture of the Society as one finds it in an Indian village.

The Indian village is not a single social unit. It consists of castes. But for our purposes, it is enough to say—

- I. The population in the village is divided into two sections—(i) Touchables and (ii) Untouchables.
- II. The Touchables form the major community and the Untouchables a minor community.

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- III. The Touchables live inside the village and the Untouchables live outside the village in separate quarters.
- IV. Economically, the Touchables form a strong and powerful community, while the Untouchables are a poor and a dependent community.
- V. Socially, the Touchables occupy the position of a ruling race, while the Untouchables occupy the position of a subject race of hereditary bondsmen.

What are the terms of associated life on which the Touchables and Untouchables live in an Indian village? In every village the Touchables have a code which the Untouchables are required to follow. This code lays down the acts of omissions and commissions which the Touchables treat as offences. The following is the list of such offences:

1. The Untouchables must live in separate quarters away from the habitation of the Hindus. It is an offence for the Untouchables to break or evade the rule of segregation.
2. The quarters of the Untouchables must be located towards the South, since the South is the most inauspicious of the four directions. A breach of this rule shall be deemed to be an offence.
3. The Untouchable must observe the rule of distance pollution or shadow of pollution as the case may be. It is an offence to break the rule.
4. It is an offence for a member of the Untouchable community to acquire wealth, such as land or cattle.
5. It is an offence for a member of the Untouchable community to build a house with tiled roof.
6. It is an offence for a member of an Untouchable community to put on a clean dress, wear shoes, put on a watch or gold ornaments.
7. It is an offence for a member of the Untouchable community to give high sounding names to their children. Their names be such as to indicate contempt.
8. It is an offence for a member of the Untouchable community to sit on a chair in the presence of a Hindu.
9. It is an offence for a member of the Untouchable community to ride on a horse or a palanquin through the village.
10. It is an offence for a member of the Untouchable community to take a procession of Untouchables through the village.
11. It is an offence for a member of the Untouchable community not to salute a Hindu.
12. It is an offence for a member of the Untouchable community to speak a cultured language.

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13. It is an offence for a member of the Untouchable community, if he happens to come into the village on a sacred day which the Hindus treat as the day of fast and at or about the time of the breaking of fast; to go about speaking, on the ground that their breath is held to foul the air and the food of the Hindus.

14. It is an offence for an Untouchable to wear the outward marks of a Touchable and pass himself as a Touchable.

15. An Untouchable must conform to the status of an inferior and he must wear the marks of his inferiority for the public to know and identify him such as—

- (a) having a contemptible name.
- (b) not wearing clean clothes.
- (c) not having tiled roof.
- (d) not wearing silver and gold ornaments.

A contravention of any of these rules is an offence.

Next come the duties which the Code requires members of the Untouchable community to perform for the Touchables. Under this head the following may be mentioned:

1. A member of an Untouchable community must carry a message of any event in the house of a Hindu such as death or marriage to his relatives living in other villages no matter how distant these villages may be.
2. An Untouchable must work at the house of a Hindu when a marriage is taking place, such as breaking fuel, and going on errands.
3. An Untouchable must accompany a Hindu girl when she is going from her parent's house to her husband's village no matter how distant it is.
4. When the whole village community is engaged in celebrating a general festivity such as Holi or Dasara, the Untouchables must perform all menial acts which are preliminary to the main observance.
5. On certain festivities, the Untouchables must submit their women to members of the village community to be made the subject of indecent fun.

These duties have to be performed without remuneration.

To realise the significance of these duties, it is important to note why they have come into being. Every Hindu in the village regards himself as a superior person above the Untouchables. As an overlord, he feels it absolutely essential to maintain his prestige. This prestige he cannot maintain unless he has at his command a retinue to dance attendance on him. It is in the Untouchable that he finds a ready retinue which is

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at his command and for which he does not have to pay. The Untouchables by reason of their helplessness cannot refuse to perform these duties and the Hindu villager does not hesitate to exact them since they are so essential to the maintenance of his prestige.

These offences are not to be found in the Penal Code, enacted by the British Government. Nonetheless so far as the Untouchables are concerned, they are real. A breach of any of them involves sure punishment for the Untouchables. How they are enforced will be clear from Chapter 5 & 6.

Another important thing to note is that the punishment for these offences is always collective. The whole community of Untouchables is liable for punishment though the offence may have been committed by an individual.

How do the Untouchables live? How do they earn their living? Without a knowledge of the ways of earning a livelihood which are open to the Untouchables it would not be possible to have a clear idea of their place in the Hindu Society.

In an agricultural country, agriculture can be the main source of living. But this source of earning a living is generally not open to the Untouchables. This is so for a variety of reasons. In the first place purchase of land is beyond their means. Secondly even if an Untouchable has the money to purchase land he has no opportunity to do so. In most parts the Hindus would resent an Untouchable coming forward to purchase land and thereby trying to become the equal of the Touchable class of Hindus. Such an act of daring on the part of an Untouchable would not only be frowned upon but might easily invite punishment. In some parts they are disabled by law from purchasing land. For instance in the Province of Punjab there is a law called the Land Alienation Act. This law specifies the communities which can purchase land and the Untouchables are excluded from the list. The result is that in most part the Untouchables are forced to be landless labourers. As labourers they cannot demand reasonable wages. They have to work for the Hindu farmer for such wages as their masters choose to give. On this issue the Hindu farmers can combine to keep the wages to the lowest level possible for it is to their interests to do so. On the other hand the Untouchables have no holding power. They must earn or starve. Nor have they any bargaining power. They must submit to the rate fixed or suffer violence.

The wages paid to the Untouchables are either paid in cash or in corn. In parts of the Uttar Pradesh the corn given to the Untouchables as their wages is called "Gobaraha" . "Gobaraha" means privy corn or corn contained in the dung of an animal. In the month of March or

April when the crop is fully grown, reaped and dried, it is spread on the threshing floor. Bullocks are made to tread over the corn in order to take the corn out of husk by the pressure of their hooves. While treading over the corn, the bullocks swallow up the corn as well as the straw. As their intake is excessive they find it difficult to digest the corn. Next day, the same corn comes out of their stomach along with their dung. The dung is strained and the corn is separated and given to the Untouchable workmen as their wages which they convert into flour and make into bread.

When the agricultural season is over the Untouchables have no employment and no means of earning a living. In such seasons they subsist by cutting grass and firewood from the jungle and sell it in a nearby town. Even when it is open it depends upon the forest guard. Only if he is bribed he will let them take some grass and firewood from the Government forest. When it is brought to the town they have always to face a buyer's market. The Hindus who are the main body of buyers will always conspire to beat down the wages. Having no power to hold out, the Untouchables have to sell their stuff for whatever is offered to them. Often times they have to walk 10 miles each way from the village to the town and back to sell their stuff.

There is no trade in which they are engaged themselves as a means of earning a livelihood. They have not the capital for it and even if they had, no one would buy from them.

All these sources of earning are obviously precarious and fleeting. There is no security. There is only one secure source of livelihood open to the Untouchables in some parts of the country known to me. It is the right to beg food from the Hindu farmers of the village. Every village has its machinery of administration. The Untouchables of the village are hereditary menials employed in the village administration. As part of their remuneration the whole body of Untouchables get a small parcel of land assigned in the ancient past which is fixed and is never increased and which the Untouchables prefer to leave uncultivated because of its excessive fragmentations. Coupled with this is given to them the right to beg for food.

Shocking as it may seem, this has become a customary right of the Untouchables and even Government takes into account the value of the food obtained by the Untouchables by begging in fixing the remuneration of an Untouchable if he were to be employed in Government job.

This right to beg for food from the Touchables is now the principal means of livelihood for 60 millions of Untouchables in India. If anyone were to move in a village after the usual dinner time, he will meet with

a swarm of Untouchables moving about the village begging for food and uttering the formula.

This statutory beggary as a means of livelihood for the Untouchables has been reduced to a system. The Untouchable families are attached to different Touchable families in the village as did the serfs and villeins to the Lords of the Manors in Medieval Europe. The Untouchable families attached to the Touchable families are at the command of the latter. This relationship has become so personal that one always hears a Touchable speaking of an Untouchable as 'my man' as though he was his slave. This relationship has helped to systematize this matter of begging food by the Untouchables from the Touchable households.

This is the Village Republic of which the Hindus are so proud. What is the position of the Untouchables in this Republic? They are not merely the last but are also the least. He is stamped as an inferior and is held down to that status by all ways and means which a majority can command. This inferiority is the destiny not merely of an individual but of the whole class. All Untouchables are inferior to all Touchables irrespective of age or qualification. A Touchable youth is above an aged Untouchable and an educated Untouchable must rank below an illiterate Touchable.

The established order is the law made by the Touchables. The Untouchables have nothing to do with it except to obey it and respect it.

The Untouchables have no rights against the Touchables. For them there is no equal right, no justice by which that which is due to the Untouchables is allowed to them. Nothing is due to them except what the Touchables are prepared to grant. The Untouchables must not insist on rights. They should pray for mercy and favour and rest content with what is offered.

This established order is a hereditary order both in status as well as in function. Once a Touchable, always a Touchable. Once an Untouchable, always an Untouchable. Once a Brahmin, always a Brahmin. Once a sweeper, always a sweeper. Under it, those who are born high, remain high; those who are born low, remain low. In other words, the established order is based on an inexorable law of karma or destiny which is fixed once for all and can never be changed. This destiny has no relation to the merits of the individuals living under it. An Untouchable however superior he may be mentally and morally, is below a Touchable in rank, no matter how inferior he may be mentally or morally. A Touchable however poor he may be, must always take rank above an Untouchable, however rich he may be.

Such is the picture of the inside life in an Indian village. In this Republic, there is no place for democracy. There is no room for equality. There is no room for liberty and there is no room for fraternity. The Indian village is the very negation of a Republic. If it is a republic, it is a republic of the Touchables, by the Touchables and for the Touchables. The republic is an Empire of the Hindus over the Untouchables. It is a kind of colonialism of the Hindus designed to exploit the Untouchables. The Untouchables have no rights. They are there only to wait, serve and submit. They are there to do or to die. They have no rights because they are outside the village republic and because they are outside the so-called republic, they are outside the Hindu fold. This is a vicious circle. But this is a fact which cannot be gainsaid.

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CHAPTER 7

WHY LAWLESSNESS IS LAWFUL?

The foregoing discussion must have made clear two things which must be borne in mind. One is the sharp division between the touchables and untouchables, the other is the deep antagonism between the two.

Every village has two parts, the quarters of the touchables and the quarters of the untouchables. Geographically the two are separate. There is always appreciable distance between the two. At any rate there is no contiguity or proximity between them. The untouchables quarters have a distinct name such as Maharwada, Mangwada, Chamrotti, Khatkana, etc. *De jure* for the purposes of Revenue Administration or Postal Communication, the quarters of the untouchables are included in the village. But *de-facto* it is separate from the village. When the Hindu resident of a village speaks of the village he means to include in it only the caste Hindu residents and the locality occupied by them. Similarly when the untouchable speaks of the village he means to exclude from it the untouchables and the quarters they occupy. Thus in every village the touchables and untouchables form two separate groups. There is nothing common between them. They do not constitute a folk. This is the first thing which must be noted.

The second thing to note with regard to this division of the village into two groups is that these groups are real corporations which no one included within them can escape. As has been well said the American or European belongs to groups of various kinds, but he “joins” most of them. He of course is born into a family, but he does not stay in it all his life unless he pleases. He may choose his own occupation, residence, wife, political party, and is responsible generally speaking for no one’s acts but his own. He is an “individual” in

This essay has been received from Shri S. S. Rege. It is included here as the title is identical with the earlier chapter and also seems to be continuation of the discussion in the said chapter.—Ed.

a much fuller sense because all his relationships are settled by himself for himself. The touchables or untouchables are in no sense individuals because all or nearly all of his relationship are fixed when he is born in a certain group. His occupation, his dwelling, his gods and his politics are all determined for him by the group to which he belongs. When the touchables and untouchables meet they meet not as man to man, individual to individual but as members of groups or as nationals of two different States.

This fact has an important effect upon the mutual relationship between the touchables and untouchables in a village. The relationship resembles the relationship between different clans in primitive society. In primitive society the member of the clan has a claim, but the stranger has no standing. He may be treated kindly, as a guest, but he cannot demand “justice” at the hands of any clan but his own. The dealing of clan with clan is a matter of war or negotiation, not of law; and the clanless man is an ‘outlaw’, in fact as well as in name and lawlessness against the strangers is therefore lawful. The untouchable not being a member of the group of touchables is a stranger. He is not a kindred. He is an outlaw. He cannot claim justice. He cannot claim rights which the touchable is bound to respect.

The third thing to note is that the relationship between the two, the touchables and the untouchables, has been fixed. It has become a matter of status. This status has unmistakably given the untouchables a position of inferiority vis-a-vis the touchables. This inferiority is embodied in a Code of Social conduct to which the untouchables must conform. What kind of a code it is, has already been stated. The untouchable is not willing to conform to that Code. He is not prepared to render unto Caesar what belongs to Caesar. The untouchable wants to have his relationship with the touchables by contract. The touchable wants the untouchables to live in accordance with the rules of status and not rise above it. Thus the two halves of the village, the touchables and the untouchables are now struggling for resettling what the touchable thinks is settled for ever. The conflict is centered round one question—What is to be the basis of this relationship? Shall it be contract or shall it be status?

This raises some very interesting questions. How did the untouchables come to have the status of the lowliest and the low? Why has the Hindu cultivated this hostility and contempt for the untouchables? Why does the Hindu indulge in lawlessness in suppressing the untouchables as though such lawlessness is lawful?

To give an adequate answer to these questions one has to go to the law of the Hindus. Without a working knowledge of the rules of the

Hindu Law, it would be impossible to give any satisfactory answer to this question. For our purpose, it is not necessary to cover the whole field of Hindu Law in all its branches. It is enough to know that branch of the Hindu law which may be called the law of persons—or to put it in non-technical language—that part of the Hindu law which deals with differences of right, duty or capacity which result from differences of status.

It is therefore proposed to give a catalogue of the rules of the Hindu Law which relate to the law of persons. These rules are collected from the Law Books of Manu, Yajnavalkya, Narada, Vishnu, Katyayana etc. who are some of the principal law givers recognised by the Hindus as persons having authority to lay down the law. A mere reproduction of the rules however interesting cannot be helpful in enabling a person who goes through them to have an idea of the basic conceptions which underlie the Hindu Law of Persons. For that purpose mere reproduction of the rules will not do. Some order is evidently necessary. What is therefore done is to group these rules under certain heads. The whole thing is cast in the form of a digest divided into sections, each section being an assembly of rules dealing with one definite matter.

DIFFERENT CLASSES : THEIR ORIGIN AND THEIR DUTIES

1. This (Universe) existed in the shape of Darkness, unperceived destitute of distinctive marks, untenable by reasoning, unknowable, wholly immersed, as it were in a deep sleep.”
2. Then the divine self existent (Svayambhu, himself) indiscernible (but) making (all) this, the great elements and the rest, discernible, appeared with irresistible (creative) power, dispelling the darkness.
3. But for the sake of the prosperity of the worlds, he caused the Brahmana, the Kshatriya, the Vaishya, and the Shudra to proceed from his mouth, his arms, his thighs and his feet.
4. But in order to protect this Universe He, the most resplendant one, assigned separate (duties and) occupations to those who sprang from his mouth, arms, thighs and feet.
5. To the Brahmans he assigned teaching and studying (the veda), sacrificing (performing sacrificial ceremonies) for their own benefit and for others, giving and accepting (of alms).
6. The Kshatriya he commanded to protect the people, to bestow gifts, to offer sacrifices, to study (the Veda), and to abstain from attaching himself to sensual pleasures.

(1) Manu 1.5; (2) *Ibid.*, 1.6; (3) *Ibid.*, 1.31; (4) *Ibid.*, 87; (5) *Ibid.*, 1.88; (6) *Ibid.*, 1.89.

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7. The Vaishya to tend cattle, to bestow gifts, to offer sacrifices, to study (the Veda), to trade, to lend money and to cultivate the land.
8. One occupation only the lord prescribed to the Shudra, to serve meekly even these (other) three castes.
9. A student, an apprentice, a hired servant, and fourthly, an official: these must be regarded as labourers. Slaves are those who are born in the house and the rest.
10. The Sages have distinguished five sorts of attendants according to law. Among these are four sorts of labourers (mentioned above). The slaves (are the fifth category, of which there are) fifteen species.
11. One born at (his master's) house; one purchased; one received (by gift); one obtained by inheritance; one maintained during a general famine; one pledged by his rightful owner.
12. One released from a heavy debt; one made captive in a fight; one won through a wager; one who has come forward declaring 'I am thine' an apostate from asceticism; one enslaved for a stipulated period.
13. One who has become a slave in order to get a maintenance; one enslaved on account of his connection with a female slave; and oneself sold. These are fifteen classes of slaves as declared in law.
14. Among these the four named first cannot be released from bondage, except by the favour of their owners. Their bondage is hereditary.
15. The Sages have declared that the state of dependence is common to all these; but that their respective position and an income depends on their particular caste & occupation.

EQUALITY BEFORE LAW

1. When two persons abuse each other, their punishment shall be equal if they are equals in caste; if one is inferior to the other, his punishment shall be double; for a superior, half (of the ordinary punishment) is ordained.
2. When persons equal in caste and qualities abuse one another, the punishment ordained for them in the system of law is thirteen Panas and a half.
3. For a Brahman abusing a Kshatriya, the fine shall be half a hundred (Fifty Panas); for abusing a Vaishya, half of fifty (twenty-five Panas); for abusing a Shudra, twelve & a half.

(7) Manu 1.90; (8) *Ibid.*, 1.91; (9) Narad V. 3; (10) *Ibid.*, V.2; (11) *Ibid.*, V.26; (12) *Ibid.*, V.27; (13) *Ibid.*, V.28; (14) *Ibid.*, V. 29; (15) *Ibid.* V. 4.

(1) Brihaspati XX.5; (2) *Ibid.*, XX.6; (3) *Ibid.*, XX.7.

4. This punishment has been declared for (abusing) a virtuous Shudra who has committed no wrong; no offence is imputable to a Brahman for abusing (a Shudra) devoid of virtue.
5. A Vaishya shall be fined a hundred (Panas) for reviling a Kshatriya, a Kshatriya reviling a Vaishya shall have to pay half of that amount as a fine.
6. In the case of a Kshatriya reviling a Shudra, the fine shall be twenty Panas; in the case of a Vaishya, the double amount is declared to be the proper fine by persons learned in law.
7. A Shudra shall be compelled to pay the first fine for abusing a Vaishya; the middling fine (for abusing) a Kshatriya; the highest fine (for abusing) a Brahman.
8. A Kshatriya having defamed a Brahmana shall be fined one hundred (panas); a Vaishya one hundred and fifty or two hundred; a Shudra shall suffer corporal punishment.
9. A Brahmana shall be fined fifty (panas) for defaming a Kshatriya; in (the case of) a Vaishya the fine shall be twenty-five panas; in (the case of) a Shudra twelve.
10. A once born man (a Shudra), who insults a twice born man with gross invective, shall have his tongue cut out; for he is of low origin.
11. If he mentions the names and castes (Jati) of the (twice-born) with contumely an iron nail, ten fingers long, shall be thrust red hot into his mouth.
12. If he arrogantly teaches Brahmans their duty, the King shall cause hot oil to be poured into his mouth and into his ears.
13. For mutual abuse by a Brahmana and a Kshatriya a fine must be imposed by a discerning (King), on the Brahmana the lowest amercement, but on the Kshatriya the middle most.
14. With whatever limb a man of a low caste does hurt to (a man of three) highest (castes) even that limb shall be cut off; that is the teaching of Manu.
15. He (low caste man) who raises his hand or a stick, shall have his hand cut off; he who in anger kicks with his foot, shall have his foot cut off.
16. A low caste man who tries to place himself on the same seat with a man of a high caste, shall be branded on his hip and be banished, or (the King) shall cause his buttock to be gashed.

(4) Brahaspati XX.8: (5) *Ibid.*, XX.9: (6) *Ibid.*, XX. 10: (7) *Ibid.*, XX.11: (8) Manu VIII.267: (9) *Ibid.* 268: (10) *Ibid.*, VIII.270: (II) *Ibid.*, VIII.271: (12) *Ibid.*, VIII.272: (13) *Ibid.*, VIII.276: (14) *Ibid.*, VIII.279: (15) *Ibid.*, VIII.280: (16) *Ibid.*, VIII.281.

17. If out of arrogance he spits (on a superior) the King shall cause both his lips to be cut off, if he urinates (on him), the penis; if he breaks wind (against him) the anus.
18. If he lays hold of the hair (of a superior), let the (King) unhesitatingly cut off his hands, likewise (if he takes him by the feet) the beard, the neck or the scrotum.

STATUS, DIGNITY AND POSITION OF EACH CLASS

1. Man is stated to be purer above the navel (than below); hence the self existent (Swayambhu) has declared the purest (part) of him to be his mouth.
2. As the Brahmana sprang from the mouth, as he was the first-born and as he possesses the Veda, he is by right the lord of his whole creation.
3. For the self existent (Swayambhu) having performed austerities, produced him first from his own mouth, in order that the offerings might be conveyed to the gods and manes and that this universe might be preserved.
4. What created being can surpass him, through whose mouth the gods continually consume the sacrificial viands and the manes the offerings of the dead.
5. Of created beings the most excellent are said to be those who are animated; of the animated, those who subsist by intelligence; of the intelligent mankind, and of men the Brahmanas.
6. A Brahmana coming into existence is born as the highest on earth, the lord of all created things.
7. Whatever exists in the world is the property of the Brahmana; on account of the excellence of his origin the Brahmana is indeed, entitled to all.
8. A Brahmana be he ignorant or learned is a great divinity, just as the fire, whether carried forth (for the performance of a burnt oblation) or not carried forth, is a great divinity.
9. Thus though Brahmans employ themselves in all (sorts of) mean occupations, they must be honoured in every way; for (each of) them is a great divinity.
10. But let (the father perform or) cause to be performed the Namadheya (the right of naming the child) on the tenth or twelfth (day after birth), or on a lucky lunar day, in a lucky Muhurta, under an auspicious constellation.

(17) Manu V111.282: (18) *Ibid.*, VIII.283.

(1) Manu 1.92: (2) *Ibid.*, 1.93: (3) *Ibid.*, 1.94: (4) *Ibid.*, 1.95: (5) *Ibid.*, 1.96: (6) *Ibid.*, 1.99: (7) *Ibid.*, 1.100: (8) *Ibid.*, IX.317: (9) *Ibid.*, IX.319: (10) *Ibid.* 11.30.

11. Let (the first part of) a Brahman's name (denote something) auspicious, a Kshatriya's be connected with power, and a Vaishya's with wealth, but a Shudra's (express something) contemptible.
12. (The second part of) a Brahmana's (name) shall be (a word) implying happiness, of a Kshatriya's (a word) implying protection, of a Vaishya's (a term) expressive of thriving and of a Shudra's (an expression) denoting service.
13. Let him (a Brahmana) not dwell in a country where the rulers are Shudras, nor in one which is surrounded by unrighteous men, nor in one which has become subject to heretics, nor in one swarming with men of the lowest castes.
14. When the King cannot himself decide the causes (of litigants) then he should appoint thereto a Brahmana learned in the various Shastras.
15. Where a Brahmana (endowed with the qualities enumerated) cannot be had (the King) should appoint a Kshatriya or a Vaishya, proficient in the Sacred law, but the (the King) should carefully avoid a Shudra as a Judge.
16. Whatever is done by others (as Judges) than these must be regarded as done wrongly, even if they be officers (of the King) and even if by chance the decision is according to the Sacred texts.
17. A Brahmana who subsists only by the name of his caste (Jati), or one who merely calls himself a Brahmana (though his origin be uncertain), may, at the King's pleasure interpret the law to him, but never a Shudra.
18. The Kingdom of that Monarch, who looks on while a Shudra settles the law, will sink (low), like a cow in a morass.
19. A Brahmana who knows the law need not bring any (offence) to the notice of the King, by his own power alone he can punish those men who injure him.
20. His own power is greater than the power of the King; the Brahmana therefore, may punish his foes by his own power alone.
21. The Brahmana is declared (to be) the creator (of the world), the punisher, the teacher, (and hence) a benefactor (of all created beings); to him let no man say anything unpropitious, nor use any harsh words.

INTER-RELATIONSHIP BETWEEN THE CLASSES

I

1. In the inverse order of the four castes slavery is not ordained.

(11) Manu 11.31; (12) *Ibid.*, 11.32; (13) *Ibid.*, IV.61; (14) Katyayana 63; (15) *Ibid.*, 67; (16) *Ibid.*, 68; (17) Manu VII.1.20; (18) *Ibid.*, VIII.21; (19) *Ibid.*, XI.31; (20) *Ibid.*, XI.32; (21) *Ibid.*, XI.35.

(1) Narada V.39.

2. Members of three Varnas can become slaves but a Brahman can never become a slave. Slavery in the case of the (three) Varnas viz., Kshatriyas, Vaishyas and Shudras is in their direct order and not in their inverse order. A Shudra could be the slave of any master of the four castes, a Vaishya of any master of the first three castes but not of a Shudra Master, a Kshatriya could be the slave of a Brahman or Kshatriya Master but not of a Vaishya or Shudra Master.
3. Even one of the same caste (i.e. a Brahman) should not make a Brahmana work as a Slave A man who is Kshatriya, Vaishya or Shudra may occasionally do the work of slave for a man of the same caste (as his own) but a Brahman should never be made to do the work of a slave.

II

4. For the first marriage of twice born men (wives) of equal caste are recommended; but for those who through desire proceed (to marry again) the following females (chosen) according to the (direct) order (of the castes), are most approved.
5. It is declared that a Shudra woman alone (can be) the wife of a Shudra, she and one of his own caste (the wives) of a Vaishya, those two and one of his own caste (the wives) of a Kshatriya, those three and one of his own caste (the wives) of a Brahmana.
6. If twice born men wed women of their own and of other (lower castes), the seniority, honour and habitation of those (wives) must be (settled) according to the order of the castes (Varna).
7. Among all (twice born men) the wife of equal caste alone, not a wife of a different caste by any means, shall personally attend her husband and assist him in his daily sacred rights.
8. A Shudra who has inter-course with a woman of a twice born caste, guarded or unguarded (shall be punished in the following manner); if she was unguarded, he loses the part (offending) and all his property; if she was guarded, everything (even his life).
9. (For inter-course with a guarded Brahmani) a Vaishya shall forfeit all his property after imprisonment for a year; a Kshatriya shall be fined one thousand (panas) and be shaved with the urine (of an ass).
10. If a Vaishya or a Kshatriya has connexion with an unguarded Brahmani, let him fine the Vaishya five hundred (panas) and the Kshatriya one thousand.

(2) Katyayana 715-716: (3) *Ibid.*, 717-718: (4) Manu 111.12: (5) *Ibid.*, 111.13: (6) *Ibid.*, IX.85: (7) *Ibid.*, IX.86: (8) *Ibid.*, VIII.374: (9) *Ibid.*, VIII.375: (10) *Ibid.*, VIII.376.

11. If a Vaishya approaches a guarded female of the Kshatriya caste, or a Kshatriya a (guarded) Vaishya woman, they both deserve the same punishment as in the case of an unguarded Brahmana female.
12. A Brahmana shall be compelled to pay a fine of one thousand (panas) if he has inter-course with guarded (females of) those two (castes); for (offending with) a (guarded) Shudra female a fine of one thousand (panas shall be inflicted) on a Kshatriya or a Vaishya.
13. For (intercourse with) an unguarded Kshatriya (female) a fine of five hundred (panas shall fall) on a Vaishya; but (for the same offence) a Kshatriya shall be shaved with the urine (of a donkey) or (pay) the same fine.
14. A Brahmana who approaches unguarded females (of the) Kshatriya or Vaishya (castes), or a Shudra female, shall be fined five hundred (panas); but (for intercourse with) a female (of the) lowest (castes), one thousand.

III

15. But let (a house holder) offer, in accordance with the rule, to a guest who has come (of his own accord) a seat and water, as well as food, garnished (with seasoning) according to his ability.
16. But a Kshatriya (who comes) to the house of a Brahman is not called a guest (atithi), nor a Vaishya, nor a Shudra, nor a personal friend, nor a relative, nor the teacher.
17. But if a Kshatriya comes to the house of a Brahman in the manner of a guest, (the householder) may feed him according to his desire, after the Brahmans have eaten.
18. Even a Vaishya and a Shudra who have approached his house in the manner of quests, he may allow to eat with his servants, showing (thereby) his compassionate disposition.

DUTIES—PRIVILEGES—IMMUNITIES—DISABILITIES

(I)

1. Brahmans who are intent on the means (of gaining union with) Brahman and firm in (discharging) their duties, shall live by duly performing the following six acts, (which are enumerated) in their (proper) order.

(11) Manu VIII.382: (12) *Ibid.*, VIII.383: (13) *Ibid.*, VIII.384: (14) *Ibid.*, VIII.385: (15) *Ibid.*, 111.99: (16) *Ibid.*, III.110: (17) *Ibid.*, III.111: (18) *Ibid.*, 111.112.

(1) Manu X.74.

2. Teaching, studying, sacrificing for himself, sacrificing for others, making gifts and receiving them are the six acts (prescribed) for a Brahmana.
3. But among the six acts (ordained) for him three are his means of subsistence, (viz.) sacrificing for others, teaching and accepting gifts from pure men.
4. (Passing) from the Brahman to the Kshatriya, three acts (incumbent on the former) are forbidden (viz.,) teaching, sacrificing for others, and thereby, the acceptance of gifts.
5. The same are likewise forbidden to a Vaishya that is a settled rule; for Manu, the lord of creatures (Prajapati), has not prescribed them for (men of) those two (castes).
6. To carry arms for striking and for throwing (is prescribed) for Kshatriyas as a means of subsistence; to trade, (to rear) cattle, and agriculture for Vaishyas; but their duties are liberality, the study of the Veda and the performance of sacrifices.
7. Among the several occupations the most commendable are, teaching the Veda for a Brahmana, protecting the people for a Kshatriya and trade for a Vaishya.
8. The service of Brahmanas alone is declared (to be) an excellent occupation for a Shudra; for whatever else besides this he may perform will bear him no fruit.

(II)

9. But a Brahmana unable to subsist by his peculiar occupations just mentioned, may live according to the law applicable to the Kshatriyas; for the latter is next to him in rank.
10. If it be asked "How shall it be, if he cannot maintain himself by either (of these occupations? the answer is) he may adopt a Vaishya's mode of life, employing himself in agriculture, and rearing cattle.
11. A Kshatriya who has fallen into distress may subsist by these means (open to the Vaishya).
12. A Vaishya who is unable to subsist by his own duties, may even maintain himself by a Shudra's mode of life, avoiding (however) acts forbidden (to him), and he should give it up, when he is able to do so.
13. But a Shudra being unable to find service with the twice-born and threatened with the loss of his sons and wife (through hunger), may maintain himself by handicrafts.

(2) Manu X.75; (3) *Ibid.*, X.76; (4) *Ibid.*, X.77; (5) *Ibid.*, X.78; (6) *Ibid.*, X.79; (7) *Ibid.*, X.80; (8) *Ibid.*, X.123; (9) *Ibid.*, X.81; (10) *Ibid.*, X.82; (11) *Ibid.*, X.95; (12) *Ibid.*, X.98; (13) *Ibid.*, X.99.

(III)

14. A Kshatriya must never arrogantly adopt the mode of life (prescribed for his) betters (that is for the Brahmanas).
15. (The King) should order a Vaishya to trade, to lend money, to cultivate the land, to lend cattle and the Shudra to serve the twice born castes.
16. (The King) should carefully compel Vaishyas and Shudras to perform the work (prescribed) for them; for if these two (castes) swerved from their duties, they would throw this (whole) world into confusion.

(IV)

1. A blind man, an idiot, (a cripple) who moves with the help of a board, a man full seventy years old, and he who confers benefits on Srotriyas, shall not be compelled by any (king) to pay a tax.
2. Though dying (with want) a King must not levy a tax on Srotriyas, and no Srotriya residing in his kingdom must perish from hunger.
3. Let the King make the common inhabitants of his realm who live by traffic, pay annually some trifle, which is called a tax.
4. Mechanics and artisans, as well as Shudras who subsist by manual labour, he (the king) may cause to work (for himself) one (day) in each month.
5. Tonsure (of the head) is ordained for a Brahmana (instead of capital punishment); but men of other castes shall suffer capital punishment.
6. Let him (the King) never slay a Brahmana though he have committed all (possible) crimes; let him banish such an (offender) leaving all his property (to him) and (his body) unhurt.
7. No greater crime is known on the earth than slaying a Brahmana: a King, therefore, must not even conceive in his mind the thought of killing a Brahmana.
8. When a learned Brahmana has found treasure deposited in former (times), he may take even the whole (of it); for he is master for everything.
9. When the King finds treasure of old concealed in the ground, let him give one half to the Brahmanas and place the (other) half in his treasury.

(14) Manu X.95; (15) *Ibid.*, VIII.410; (16) *Ibid.*, V111.418.

(1) Manu VIII.394; (2) *Ibid.*, VII.133; (3) *Ibid.*, VII. 137; (4) *Ibid.*, VII.138; (5) *Ibid.*, VIII.379; (6) *Ibid.*, VIII.380; (7) *Ibid.*, VIII.381; (8) *Ibid.*, VIII.37; (9) *Ibid.*, VIII.38.

MODE OF LIFE

1. (A Shudra who is) pure, the servant of his betters, gentle in his speech, and free from pride, and always seeks a refuge with Brahmanas, attains (in the next life) a higher caste.
2. But let a Shudra serve Brahmanas, either for the sake of heaven, or with a view to both (this life and the next); for he who is called the servant of a Brahmana thereby gains all his ends.
3. If a Shudra (unable to subsist by serving Brahmanas) seeks a livelihood, he may serve Kshatriyas, or he may also seek to maintain himself by attending on a wealthy Vaishya.
4. They must allot to him out of their own family (property) a suitable maintenance, after considering his ability, his industry, and the number of those whom he is bound to support.
5. The remnants of their food must be given to him, as well as, their old clothes, the refuse of their grain and their old household furniture.
6. No collection of wealth must be made by a Shudra, even though he be able (to do it); for a Shudra who has acquired wealth, gives pain to the Brahmana.
7. Shudras who live according to the law, shall each month shave (their heads); their mode of purification (shall be) the same as that of Vaishyas and their food the fragments of an Aryan's meal. As has been said the society for which the ancient law givers laid down their ordinances consisted of two parts—one part consisted of those who were comprised *within* the system of Chaturvarna. The other part consisted of those who were without the pale of Chaturvarna. They are spoken of in Manu as Bahyas i.e. outside the pale of Chaturvarna. They are spoken of as low castes. The origin of these low castes is a subject with which I am not concerned for the moment. It is enough to say that according to these ancient law givers of Hindus these low castes are the result of the progeny of intermarriages between those four classes—the Brahmanas-Kshatriyas-Vaishyas-Shudras—who are included within the system of Chaturvarna. How far this is true will be examined at another time. We are primarily concerned with social relationship and not with origin. So far the ordinances relating to those who were within the Chaturvarna have been given. It now remains to give the ordinances which relate to those who were outside the Chaturvarna or who were called the low castes. The ordinances which regulate the life of the low castes are strange to say very few. Few though they be they give them such a short shrift that one does not find any necessity for more detailed code of ordinances. They are as follows :

(1) Manu IX.335; (2) *Ibid.*, X.122; (3) *Ibid.*, X.121; (4) *Ibid.*, X.124; (5) *Ibid.*, X.125; (6) *Ibid.*, X.129; (7) *Ibid.*, V.140.

1. All those tribes in this world, which are excluded from (the community of) those born from the mouth, the arms, the thighs, and the feet (of Brahman), are called Dasyus, whether they speak the language of the Mlenchhas (barbarians) or that of the Aryans.
2. Near well-known trees and burial ground, on mountains and in groves, let these (tribes) dwell, known (by certain marks), and subsisting by their peculiar occupations.
3. But the dwelling of the Chandalas and Shwapakas shall be outside the village, they must be made Apapatras and their wealth (shall be) dogs and donkeys.
4. Their dress (shall be) the garments of the dead, (they shall eat) their food from broken dishes, black iron (shall be) their ornaments, they must always wander from place to place.
5. A man who fulfils a religious duty, shall not seek intercourse with them; their transactions (shall be) among themselves, and their marriages with their equals.
6. Their food shall be given to them by others (than an Aryan giver) in a broken dish; at night they shall not walk about in villages and in towns.
7. By day they must go about for the purpose of their work, distinguished by marks at the King's command, and they shall carry out the corpses (of persons) who have no relatives, that is a settled rule.
8. By the King's order they shall always execute the Criminals in accordance with the law, and they shall take for themselves the clothes, the beds and the ornaments of (such) criminals.
9. He who has had connection with a woman of one of the lowest castes shall be put to death.
10. If one who (being a member of the Chandala or some other low caste) must not be touched, intentionally defiles by his touch one who (as a member of a twice born caste) may be touched (by other twice born persons only) he shall be put to death.

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(1) Manu X.45 (2) *Ibid.*, X.50; (3) *Ibid.*, X.51; (4) *Ibid.*, X.52; (5) *Ibid.*, X.53; (6) *Ibid.*, X.54; (7) *Ibid.*, X.55. (8) *Ibid.*, X.56; (9) Vishnu V.43: (10) Vishnu V.104.

CHAPTER 9

HINDUS AND WANT OF PUBLIC CONSCIENCE

The cases in which the Hindus have indulged in violence against the Untouchables are cases of fight for equal freedom to all. If the Untouchables want to go in procession, they have no objection to the Hindus doing the same. If the Untouchables want to wear gold and silver ornaments, they do not object to the Hindus having the same right. If the Untouchables want to send their children to schools, they are not against the children of the Hindus having full freedom for education. If the Untouchables wish to draw water from the well, they have no objection to the Hindus exercising their right to take water. One can go on *ad infinitum*. But it is unnecessary. The point is easy and simple to grasp. It is that whatever freedom the Untouchables claim is not exclusive to them and is not inconsistent with the right of the Hindus to equal freedom. Why then does the Hindus use violence to put down such innocent and perfectly lawful acts? Why does he regard his lawlessness as lawful? Who cannot see that the acts and omissions, of the Hindus in his dealings with the Untouchables cannot be called by any other name except that of social wrongs. The acts and omissions are not mere inequities; they are not mere indignities. They are gross instances of man's inhumanity to man. For a doctor not to treat a patient because the patient is an Untouchable, for a body of Hindu villages to burn the houses of the Untouchables, to throw human excreta in their well if these are not acts of inhumanity, I wonder what can be? The question is why has the Hindu no conscience?

There is only one answer to these questions. The class composition in other countries were based on economic and social considerations. Slavery and serfdom had no foundation in religion. Untouchability though it can give and does economic advantages to the Hindus, is primarily based on religion. There is nothing sacrosanct in economic and social interests. They yield to time and circumstances. This is the broad explanation why slavery and serfdom have vanished and why untouchability has not. The same is the answer to the two other

questions. If the Hindu observes untouchability it is because his religion enjoins him to do so. If he is ruthless and lawless in putting down the Untouchables rising against his Established Order, it is because his religion not only tells him that the Established Order is divine and therefore sacrosanct but also imposes upon him a duty to see that this Established Order is maintained by all means possible. If he does not listen to the call of humanity, it is because his religion does not enjoin him to regard the Untouchables as human beings. If he does not feel any qualms of conscience in assaulting, looting, burning and other acts of atrocities against the Untouchables, it is because his religion tells him that nothing is sin which is done in defence of the social order.

Many Hindus would regard this as a travesty of their religion. The best way to meet the charge is to quote Chapter and verse from Manu who is the architect of Hindu Society. Let anyone, who denies what I have said, read the following Commands of Manu regarding untouchability. Untouchables and the duties of the Hindus in regard to them :

- “1. All those tribes in this world, which are excluded from (the community of) those born from the mouth, the arms, the thighs, and the feet (of Brahman), are called Dasyus, whether they speak the language of the Mlenchhas (barbarians) or that of the Aryans.
2. Near well known trees and burial ground, on mountains and in groves, let these (tribes) dwell, known (by certain marks), and subsisting by their peculiar occupations.
3. But the dwellings of the Chandalas and Shwapakas shall be outside the village, they must be made Apatras and their wealth (shall be) dogs and donkeys.
4. Their dress (shall be) the garments of the dead, (they shall eat) their food from broken dishes, black iron (shall be) their ornaments, they must always wander from place to place.
5. A man who fulfils a religious duty, shall not seek intercourse with them ; their transactions (shall be) among themselves, and their marriages with their equals.
6. Their food shall be given to them by others (than an Aryan giver) in a broken dish; at night they shall not walk about in villages and in towns.
7. By day they must go about for the purpose of their work, distinguished by marks at the king's command, and they shall carry out the corpses (of persons) who have no relatives, that is a settled rule.

(1) Manu X. 45: (2) *Ibid.* X. 50: (3) *Ibid.* X. 51: (4) *Ibid.* X. 52: (5) *Ibid.* X. 53: (6) Manu X. 54: (7) *Ibid.* X. 65.

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8. By the king's order, they shall always execute the criminals in accordance with the law, and they shall take for themselves the clothes, the beds and the ornaments of (such) criminals.
9. He who has had connection with a woman of one of the lowest castes shall be put to death.
10. If one who (being a member of the Chandalas, or some other low caste) must not be touched, intentionally defiles by his touch one who (as a member of a twice born caste) may be touched (by the other twice born persons only) he shall be put to death."

Can anybody, who reads these Commandments of Manu deny that it is Hindu religion which is responsible for the perpetuation of untouchability and for the lawlessness and want of conscience on the part of the Hindus towards the Untouchables? Indeed, if the acts of omission and commission which have been detailed in the earlier Chapters of this book were correlated to these ten Commandments, it will be found that the Hindus in committing these acts are merely following the Commandments of Manu. If the Hindu will not touch an Untouchable and regards it as an offence if an Untouchable touches him, it is because of the Commandments Nos. 5 and 10. If the Hindus insist upon the segregation of the Untouchables, it is because of Commandment No. 3. If the Hindu will not allow the Untouchable to wear clean clothes, gold ornaments, he is only following Commandment No. 8. If the Hindu will not tolerate an Untouchable acquiring property and wealth, he is only following Commandment No. 3.

It is really unnecessary to labour the matter further. It is incontrovertible that the main cause which is responsible for the fate of the Untouchables is the Hindu religion and its teachings. A comparison between Paganism and Christianity in relation to slavery and Hinduism in relation to untouchability reveals how different has been the influence of the two religions on human institutions, how elevating has been the influence of the former and how degrading that of the latter. Those who are fond of comparing slavery with Untouchability do not realize that they are facing a paradox. Legally the slave was not a freeman. Yet, socially he had all the freedom necessary for the growth of his personality. Legally the Untouchable is a freeman. Yet, socially he has no freedom for the growth of his personality.

This is indeed a very glaring paradox. What is the explanation of this paradox? There is only one explanation of this paradox. It is that while religion was on the side of the slave, religion has been against

(8) Manu X. 56: (9) Vishnu V. 43: (10) Vishnu V. 104.

the Untouchables. The Roman Law declared that the slave was not a person. But the religion of Rome refused to accept that principle, at any rate, refused to extend that principle to social field. It treated him as a human being fit for comradeship. The Hindu Law declared that the Untouchable was not a person. Contrary to Paganism, the Hindu religion not only accepted the principle but extended it to the social field. As the Hindu Law did not regard the Untouchable a person, Hinduism refused to regard him as a human being fit for comradeship.

That the Roman religion saved the slave from the social degradation consequent upon his legal degradation is beyond question. It saved him from such degradation in three different ways. One way by which the Roman religion saved the slave was to keep the most sacred place open for the slave to occupy. As has been observed:

“.....Roman religion was never hostile to the slave. It did not close the temple doors against him; it did not banish him from its festivals. If slaves were excluded from certain ceremonies the same may be said of freemen and women—men being excluded from the rites of Bona Dea, Vesta and Ceras, women from those of Hercules at the Ara Maxima. In the days when the old Roman divinities counted for something, the slave came to be informally included in the family, and could consider himself under the protection of the Gods of the household..... Augustus ordered that freed women should be eligible as priestesses of Vesta. The law insisted that a slave's grave should be regarded as sacred and for his soul Roman Mythology provided no special heaven and no particular hell. Even Juvenal agrees that the slave's soul and body, is made of the same stuff as his master.”

The second way in which the Roman religion helped the slave was equivalent to lodging a complaint before the City Prefect whose duty it became to hear cases of wrong done to slaves by their masters. This was a secular remedy. But the Roman religion had provided another and a better remedy. According to it, the slave was entitled to throw himself before the altar and demand that he should be sold to a kinder master.

The third way in which the Roman religion saved the slave by preventing the Roman Law from destroying the sanctity of his personality as a human being. It did not make him unfit for human association and comradeship. For the Roman slave this was the greatest saving grace. Suppose Roman society had an objection to buy vegetables, milk, butter or take water or wine from the hands of the slave; suppose Roman society had an objection to allow slaves to touch them, to enter their houses, travel with them in cars, etc., would

it have been possible for the master to train his slave to raise him from semi-barbarism to a cultured state? Obviously not; it is because the slave was not held to be an Untouchable that the master could train him and raise him. We again come back therefore to the same conclusion, namely, that what has saved the slave is that his personality was recognised by society and what has ruined the Untouchable is that Hindu society did not recognize his personality, treated him as one whose personality was unclean which rendered him as unfit for human association and common dealing.

There was no gulf, social or religious, which separated the slave from the rest of the society. In outward appearance he did not differ from the freeman; neither colour nor clothing revealed his condition; he witnessed the same games as the freeman; he shared in the life of the Municipal towns and got employed in the State service, engaged himself in trade and commerce as all freemen did. Often apparent equality in outward things counts far more to the individual than actual identity of rights before the law. Between the slave and the freed there seems often to have been little social barrier. Marriage between the slave and freed and even freed and slave was very common. The slave status carried no stigma on the man in the slave. He was Touchable and even respectable. All this was due to the attitude of the Roman religion towards the slave.

There is no space to describe at length the attitude of Christianity to slavery. But it was different from Paganism. It is not known to many that during the period of slavery in America, Christian priests were not prepared to convert Negro slaves to Christianity because of their view that it would degrade Christianity if the convert remained a slave. In their opinion, one Christian could not hold another Christian as a slave. He was bound to offer him fellowship.

To sum up, Law and Religion are two forces which govern the conduct of men. At times, they act as handmaids to each other. At other times, they act as check and counter-check. Of the two forces, Law is personal while religion is impersonal. Law being personal it is capable of being unjust and inequitous. But religion being impersonal, it can be impartial. If religion remains impartial, it is capable of defeating the inequity committed by law. This is exactly what happened in Rome in regard to the slave. That is why religion is believed to ennoble man and not to degrade him. Hinduism is an exception. It has made the Untouchable sub-human. It has made the Hindu inhuman. There is no escape to either from the established order of the sub-human and the inhuman.

CHAPTER 11

THE HINDU AND HIS BELIEF IN CASTE

Among the Hindu social reformers there is a moderate section. This section holds that untouchability is separate from the caste system. Following this ideology they hold that it is possible to remove untouchability without attacking the caste system. The religious minded Hindu is as opposed to the removal of untouchability as he is to the removal of the caste system. He is as opposed to dealing with social reform in two stages as he is in dealing with it in one stage. But the politically-minded Hindu is tremendously fond of the idea. That is obviously for two reasons. In the first place, it gives the Hindu the chance of showing himself in international world as a better specimen of democracy than he really is. Secondly, by leaving caste alone there is no risk of the caste Hindus forsaking the Congress.

Those who propose to deal with untouchability without damaging the caste system, rest their case on verse 4 of Chapter X of the Manu Smriti. In the verse, Manu says that there are only four varnas and that there is no fifth varna. This verse is interpreted to mean that the untouchables are included in the fourth varna, that they are part of the Shudras and as there is no objection to touching the Shudras there could be no objection to touching the Untouchables. However pleasing this construction may be to the politically minded Hindu, it does accord with the intention of what Manu wanted to convey. The verse is open to another construction. It may mean that Manu was not prepared to enlarge the Chaturvarnya and make it a Panchavarnya by recognising these communities which were outside the four varnas as constituting the fifth varna. In saying that there is no fifth varna what he means to suggest is that he did not want to incorporate those outside the four varnas into the Hindu society by making the Hindu society consist of five varnas instead of four. That he wanted to convey the latter intention is abundantly clear by speaking of a category of people as Bahyas¹ or Varna Bahyas which means those outside the varna system. If Manu wanted to include all persons within the four varnas there was no reason for speaking of some people as varna Bahyas. Indeed, he recognises two sub-divisions within the class of Varna Bahyas. He calls them Hinas² and Antayevashins³. Given these

¹ Manu X. 28. ² Manu X. 31. ³ Manu X. 39.

facts, it is obvious that the construction sought to be placed in the verse in the Manu Smriti will not deceive the orthodox Hindu into accepting that the maintenance of untouchability is contrary to the Manu Smriti and that its abolition is not therefore contrary to the tenets of the Hindu religion.

The argument based on the interpretation of Manu's text is too intellectual for the ordinary uneducated Hindu. He knows only two things. One thing he knows is that there are three barriers in the matter of social intercourse which he must observe. They are (1) prohibition against inter-dining, (2) prohibition against inter-marriage, while in untouchability there is third barrier added and (3) prohibition against physically touching certain class of people. The first two barriers make up the caste. The third forms untouchability. The caste Hindu does not bother about the number of barriers. He is particular about the observance of the barrier. When he is asked not to observe, he turns round and asks why not? His argument is that, if I am free to observe the first two barriers, what is wrong if I observe the third? Psychologically, caste and untouchability are one integral system based on one and the same principle. If the caste Hindus observe untouchability it is because they believe in caste.

Looked at from this point of view, the idea of hoping to remove untouchability without destroying the caste system is an utter futility. The underlying idea that caste and untouchability are two different things is founded on a fallacy. The two are one and are inseparable. Untouchability is only an extension of the caste system. There can be no severance between the two. The two stand together and will fall together.

There is another reason why untouchability cannot disappear by a stratagem, legal or rational. As has already been pointed out, the Hindu social order is based on the principle of graded inequality. It may not be an exaggeration to say that not many people understand the significance of this principle. The social system based on inequality stands on a different footing from a social system based on graded inequality. The former is a weak system which is not capable of self-preservation. The latter on the other hand, is capable of self-preservation. In a social system based on inequality, the low orders can combine to overthrow the system. None of them have any interest to preserve it. In a social system based on graded inequality the possibility of a general common attack by the aggrieved parties is nonexistent. In a system of graded inequality, the aggrieved parties are not on a common level. This can happen only when they are only high and low. In the system of graded inequality there are the highest (the Brahmins). Below the highest are the higher (the Kshatriyas). Below the higher are those who are high (Vaishya). Below the high are the low (Shudra) and below the low are those who are lower (the

Untouchables). All have a grievance against the highest and would like to bring about their down fall. But they will not combine. The higher is anxious to get rid of the highest but does not wish to combine with the high, the low and the lower lest they should reach his level and be his equal. The high wants to over-throw the higher who is above him but does not want to join hands with the low and the lower, lest they should rise to his status and become equal to him in rank. The low is anxious to pull down the highest, the higher and the high but he would not make a common cause with the lower for fear of the lower gaining a higher status and becoming his equal. In the system of graded inequality there is no such class as completely unprivileged class except the one which is at the base of the social pyramid. The privileges of the rest are graded. Even the low is a privileged class as compared with the lower. Each class being privileged, every class is interested in maintaining the social system.

Untouchability may be a misfortune to the Untouchables. But there is no doubt that it is a good fortune to the Hindus. It gives them a class which they can look down upon. The Hindus do not want a system in which nobody will be anybody. They also do not want a system in which everybody may be somebody. They want a system in which they will be somebodies and others will be nobodies. The Untouchables are nobodies. This makes the Hindus some bodies. The system of untouchability sustains the natural pride of the Hindus and make them feel as well as look big. This is an additional reason why the Hindus are not likely to give up untouchability particularly those large majority who are small men.

Untouchability will vanish only when the whole of the Hindu Social Order, particularly the caste system will be dissolved. Is this possible? Every institution is sustained by some sort of a sanction. There are three kinds of sanction which supply life-force to an institution. They are legal, social and religious. The vitality of the institution depends upon the nature of the sanction. What is the nature of the sanction behind the caste system? Unfortunatley, the sanction behind the caste system is the religious sanction, for, the caste as a new form of the Varna system derives its sanction from the Vedas which form the sacred book of the Hindu religion and which are infallible. I say unfortunately because anything which has a religious sanction becomes by virtue of it sacred and eternal. To the Hindu, caste is sacred and caste is eternal. If caste cannot vanish what hope is there for untouchability to disappear?

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An old agnostic is said to have summed up his philosophy in the following words:

“The only thing I know is that I know nothing; and I am not quite sure that I know that”

Sir Denzil Ibbetson undertaking to write about caste in the Punjab said that the words of these agnostic about his philosophy expressed very exactly his own feelings regarding caste. It is no doubt true that owing to local circumstances there does appear a certain diversity about caste matters and that it is very difficult to make any statement regarding any one of the castes absolutely true as it may be as regards one locality which will not be contradicted with equal truth as regards the same caste in some other area.

Although this may be true yet it cannot be difficult to separate the essential and fundamental features of caste from its non-essential superficial features. For easy approach to this to ascertain by asking what are the matters for which a person is liable to be excluded from caste. Mr. Bhattacharya has stated the following as causes for expulsion from caste: (1) Embracing Christianity or Islam, (2) Going to Europe or America, (3) Marrying a widow, (4) Publicly throwing the sacred thread, (5) Publicly eating beef, pork or fowl, (6) Publicly eating *Kaccha* food prepared by a Mahomedan, Christian or low caste Hindu, (7) Officiating at the house of a very low caste Sudra, (8) By a female going away from home for immoral purposes and (9) By a widow becoming pregnant. This list is not exhaustive and omits the two most important causes which entail expulsion from caste. They are (10) intermarrying outside caste, (11) Interdining with persons of another caste, (12) Change of occupation. The second defect in the statement of Mr. Bhattacharya is that it does not make any distinction between essentials and (un)*essentials. Of course when a person is expelled from his caste the penalty is uniform. His friends, relatives, and fellow men refuse to partake of his hospitality. He is not invited to entertainments in their houses. He cannot obtain brides or bridegrooms for his children. Even his married daughters cannot visit him without running the risk of being excluded from caste. His priest, his barber and washerman refuse to serve him. His fellow castemen sever their connection with him so completely that they refuse to assist him even at the funeral of a member of his household. In some cases the man excluded from caste is debarred access to public temples and to the cremation or burial ground.

* The original word in the MS was ‘essentials’. The editors felt it to be ‘unessentials’ and therefore corrected it accordingly. — Ed.

These reasons for expulsion from caste indirectly show the rules and regulations of the caste. But all regulations are not fundamental. There are many which are unessential. Caste can exist even without them. The essential and unessential can be distinguished by asking another question. When can a Hindu who has lost caste regain his caste. The Hindus have a system of *Prayaschitas* which are penances and which a man who has been expelled from caste must perform before he can be admitted to caste fellowship. With regard to these *Prayaschitas* or Penances certain points must be remembered. In the first place there are caste offences for which there is no *Prayaschita*. In the second place the *Prayaschitas* vary according to the offence. In some cases the *Prayaschita* involves a very small penalty. In other cases the penalty involved is a very severe one.

The existing of a *Prayaschita* and its absence have a significance which must be clearly understood. The absence of *Prayaschita* does not mean that any one may commit the offence with impunity. On the contrary it means that the offence is of an immeasurable magnitude and the offender once expelled is beyond reclamation. There is no reentry for him in the caste from which he is expelled. The existence of a *Prayaschita* means that the offence is compoundable. The offender can take the prescribed *Prayaschita* and obtain admission in the caste from which he is expelled.

There are two offences for which there is no penance. These are (1) change from Hindu Religion to another religion, (2) Marriage with a person of another caste or another religion. It is obvious if a man loses, caste for these offences he loses it permanently.

Of the other offences the *Prayaschitas* prescribed are of the severest kind are two: (1) Interdining with a person of another caste or a non-Hindu and (2) Taking to occupations which is not the occupation of **the** caste. In the case of the other offences the penalty is a light one almost nominal.

The surest clue to find out what are the fundamental rules of caste and what caste consists in is furnished by the rules regarding *Prayaschitas*. Those for the infringement of which there is no *Prayaschita* constitute the very soul of caste and those for the infringement of which the *Prayaschita* is of the severest kind make up the body of caste. It may therefore be said without any hesitation that there are four fundamental rules of caste. A caste may be defined as a social group having (a) belief in Hindu Religion and bound by certain regulations as to, (b) marriage, (c) food and (d) occupation. To this one more characteristic may be added namely a social group having a common name by which it is recognized.

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In the matter of marriage the regulation lays down that the caste must be endogamous. There can be no intermarriage between members of different castes. This is the first and the most fundamental idea on which the whole fabric of the caste is built up.

In the matter of food the rule is that a person cannot take food from and dine with any person who does not belong to his caste. This means that only those who can intermarry can also interdine. Those who cannot intermarry cannot interdine. In other words caste is an endogamous unit and also a communal unit.

In the matter of occupation the regulation is that a person must follow the occupation which is the traditional occupation of his caste and if the caste has no occupation then he should follow the occupation of his father.

In the matter of status of a person it is fixed and is hereditary. It is fixed because a person's status is determined by the status of the caste to which he belongs. It is hereditary because a Hindu is stamped with the caste to which his parents belonged, a Hindu cannot change his status because he cannot change his caste. A Hindu is born in a caste and he dies a member of the caste in which he is born. A Hindu may lose his status if he loses caste. But he cannot acquire a new or a better or different status.

What is the significance of a common name for a caste? The significance of this will be clear if we ask two questions which are very relevant and a correct answer to each is necessary for a complete idea of this institution of caste. Social groups are either organized or unorganized. When the membership of the group and the process of joining and leaving the groups, are the subject of definite social regulations and involve certain duties and privileges in relation to other members of the group then the group is an organized group. A group is a voluntary group in which members enter with a full knowledge of what they are doing and the aims which the association is designed to fulfil. On the other hand there are groups of which an individual person becomes a member without any act of volition, and becomes subject to social regulation and traditions over which he has no control of any kind.

Now it is hardly necessary to say that caste is a highly organized social grouping. It is not a loose or a floating body. Similarly it is not necessary to say that caste is an involuntary grouping. A Hindu is born in a caste and he dies as a member of that caste. There is no Hindu without caste, cannot escape caste and being bounded by caste from birth to death he becomes subject to social regulations and traditions of the caste over which he has no control.

The significance of a separate name for a caste lies in this — namely it makes caste an organized and an involuntary grouping. A separate and a distinctive name for a caste makes caste asking to a corporation with a perpetual existence and a seal of separate entity. The significance of separate names for separate castes has not been sufficiently realized by writers on caste. In doing that they have lost sight of a most distinctive feature of caste social groups there are and there are bound to be in every society. Many social groups in many countries can be equated to various castes in India and may be regarded as their equivalent. Potters, Washermen, Intellectuals as social groups are every where. But in other countries they have remained as unorganized and voluntary groups while in India they have become organized and involuntary i.e. they have become castes is because in other countries the social groups were not given name while in India they did. It is the name which the caste bears which gives it fixity and continuity and individuality. It is the name which defines who are its members and in most cases a person born in a caste carries the name of the caste as a part of his surname. Again it is the name which makes it easy for the caste to enforce its rules and regulations. It makes it easy in two ways. In the first place, the name of the caste forming a surname of the individual prevents the offender in passing off as a person belonging to another caste and thus escape the jurisdiction of the caste. Secondly, it helps to identify the offending individual and the caste to whose jurisdiction he is subject so that he is easily handed up and punished for any breach of the caste rules.

This is what caste means. Now as to the caste system. This involves the study of the mutual relations between different castes. Looked at as a collection of caste the caste system presents several features which at once strike the observer. In the first place there is no inter-connection between the various castes which form a system. Each caste is separate and distinct. It is independent and sovereign in the disposal of its internal affairs and the endorcement of caste Regulations. The castes touch but they do not interpenetrate. The second feature relates to the order in which one caste stands in relation to the other castes in the system. That order is vertical and not horizontal.

In other words castes are not equal in status. Their order is based on inequality. One caste is higher or lower in relation to another. Castes form an hierarchy in which one caste is at the top and is the highest, another at the bottom and it is the lowest and in between there are castes every one of which is at once above some caste and below some caste. The caste system is a system of gradation in which every caste

except the highest and the lowest has a priority and precedence over some other caste.

How is this precedence or this superiority determined? This order of superiority and inferiority or this insubordination is determined by Rules (1) which are connected with religious rites and (2) which are connected with commensality.

Religion as a basis of Rules of precedence manifests itself in three ways. Firstly through religious ceremonies, secondly through incantations that accompany the religious ceremonies and thirdly through the position of the priest.

Beginning with the ceremonies as a source of rules of precedence it should be noted that the Hindu Scriptures prescribe sixteen religious ceremonies. Although those are Hindu ceremonies every Hindu Caste cannot by right claim to perform all the sixteen ceremonies. Few can claim the right to perform all. Some are allowed to perform certain ceremonies, some are not allowed to perform certain of the ceremonies. For instance take the ceremony of Upanayan, wearing the sacred thread. Some castes can't. Precedence follows this distinction in the matters of right to perform the ceremonies. A caste which can claim to perform all the ceremonies is higher in status than the caste which has a right to perform a few.

Turning to the Mantras it is another source for rules of precedence. According to the Hindu Religion the same ceremony can be performed in three different ways: (1) Vedokta, (2) Shastrokta and (3) Puranokta. In the Vedokta form the ceremony is performed with Mantras (incantations) from the Vedas. In the Shastrokta form the ceremony is performed with Mantras (incantations) from the Shastras. In the Puranokta form the ceremony is performed with Mantras (incantations) from the Puranas. Hindu Religious Scriptures fall into three distinct categories: (1) The Vedas which are four, (2) The Shastras which are six and (3) The Puranas which are eighteen. Although they are all respected as scriptures they do not all have the same sanctity. The Vedas have the highest sanctity. The Shastras stand next in order of sanctity and the Puranas have the lowest sanctity. The way the Mantras give rise to social precedence will be obvious if it is borne in mind that not every caste is entitled to have the ceremony performed in the Vedokta form. Three castes may well claim the right to the performance of one of the sixteen ceremonies. But it will be that one of it is entitled to perform it in the Vedokta form, another in the Shastrokta form and the third only in the Puranokta form. Precedence goes with the kind of Mantra that a caste is entitled to use in the performance of a religious ceremony. A caste which is entitled to use

Vedic Mantra is superior to a caste which is entitled to use Shastrik Mantra and a caste which is entitled to use Shastrik Mantras is higher than a caste which is entitled to use only Puranokta Mantras.

Taking the priest as third source of precedence connected with Religion Hinduism requires the instrumentality of a priest for the derivation of the full benefit from the performance of a religious ceremony. The priest appointed by the scriptures is the Brahmin. A Brahmin therefore is indispensable. But the scriptures do not require that a Brahmin shall accept the invitation of any and every Hindu irrespective of his caste to officiate at a religious ceremony. The invitation of which caste he will accept and of which he will refuse is a matter left to the wishes of the Brahmin. By long and well established custom it is now settled at which caste he will officiate and at which caste he will not. This fact has become the basis of precedence as between castes. The caste at which a Brahmin will officiate is held as superior to a caste at whose religious functions a Brahmin will not officiate.

The second source for rules of precedence is commensality. It will be noticed that rules of marriage have not given rise to rules of precedence as rules of commensality have. The reason lies in the distinction between the rules prohibiting intermarriage and interdining. That difference is obvious. The prohibition on intermarriage is such that it can not only be respected but it can be carried out quite strictly. But the prohibition of interdining creates difficulties. It cannot be carried out quite strictly in all places and under all circumstances. Man migrates and must migrate from place to place. In every place he happens to go he may not find his castemen. He may find himself landed in the midst of strangers. Marriage is not a matter of urgency but food is. He can wait for getting himself married till he returns to the society of his castemen. But he cannot wait for his food. He must find it from somewhere and from someone. Question arises from which caste he can take food if he has to. The rule is that he will take food from a caste above his but will not take food from a caste which is below his. There is no way of finding how it came to be decided that a Hindu can take food from one caste and not from another. By long series of precedent every Hindu knows from what caste he can take food and from what caste he cannot. This is determined chiefly by the rule followed by the Brahmin. A caste is higher or lower according as the Brahmin takes from it food or not. In this connection the Brahmin has a very elaborate set of rules in the matter of food and water. (1) He will take only water from some and not from others. (2) A Brahmin will not take food cooked in water by any caste. (3) He will take only

food cooked in oil from some castes. Again he has as a set of rules in the matter of the vessel, in which he will accept food and water. He will take food or water in an earthen vessel from some caste, only in metallic vessel from some and only in glass vessel from others. This goes to determine the level of the caste. If he takes food cooked in oil from a caste its status is higher than the caste from which he will not. If he takes water from a caste it is higher than the caste from which he will not. If he takes water in a metallic vessel that caste is higher than the caste from which he will take water in an earthen vessel and the caste from which he will take water in an earthen vessel is higher than the caste from which he will take water in a glass vessel. Glass is a substance which is called *Nirlep* (which conserves no stain) therefore a Brahmin can take water in it even from the lowest. But other metals do conserve stains. Contaminating character of the stain depends upon the status of the person who has used it. That status depends upon the Brahmin's will to accept water in that vessel.

These are some of the factors which determine the place and status of a caste in this Hindu hierarchial system of castes.

Such is caste and such is caste system. Question is, is this enough to know the Hindu Social Organization. For a static conception of the Hindu Social Organization an idea of the caste and the caste system is enough. One need not trouble to remember more than the facts that the Hindus are divided into castes and that the castes form a system in which all hang on a thread which runs through the system in such a way that while encircling and separating one caste from another it holds them all as though as it was a string of tennis balls hanging one above the other. But this will not be enough to understand caste as a dynamic phenomenon. To follow the workings of caste in action it is necessary to note one other feature of caste besides the caste system, namely class-caste system.

The relationship between the ideas of caste and class has been a matter of lively controversy. Some say that caste is analogous to class. Others hold that the idea of caste is analogous to class and that there is no difference between the two. Others hold that the idea of caste is fundamentally opposed to that of class. This is an aspect of the subject of caste about which more will be said hereafter. For the present it is necessary to emphasize one feature of the caste system which has not been referred to hereinbefore. It is this. Although caste is different from and opposed to the notion of class yet the caste-system as distinguished from caste—recognizes a class system which is somewhat different from the graded status referred to above. Just as the Hindus are divided into so many castes, castes are divided into different classes

of castes. The Hindu is caste conscious. He is also class conscious. Whether he is caste conscious or class conscious depends upon the caste with which he comes in conflict. If the caste with which he comes in conflict is a caste within the class to which he belongs he is caste conscious. If the caste is outside the class to which he belongs he is class conscious. Any one who needs any evidence on this point may study the Non-Brahmin Movement in the Madras and Bombay Presidency. Such a study will leave no doubt that to a Hindu caste periphery is as real as class periphery and caste consciousness is as real as class consciousness.

Caste, it is said, is an evolution of the Varna System. I will show later on that this is nonsense. Caste is a perversion of Varna, at any rate it is an evolution in the opposite direction. But while Caste has completely perverted the Varna System it has borrowed the class system from the Varna System. Indeed the Class-Caste System follows closely the class cleavages of the Varna System.

Looking at the caste system from this point of view one comes across several lines of class cleavage which run through this pyramid of castes dividing the pyramid into blocks of castes. The first line of cleavage follows the line of division noticeable in the ancient Chaturvarna system. The old system of Chaturvarna made a distinction between the first three Varnas, the Brahmins, Kshatriyas, Vaishyas, and the fourth Varna namely the Shudras. The three former were classes as the Regenerate classes. The Shudra was held as the unregenerate class: This distinction was based upon the fact that the former were entitled to wear the sacred thread and study the Vedas. The Shudra was entitled to neither and that is why he was regarded as the unregenerate class. This line of cleavage is still in existence and forms the basis of the present day class division separating the castes which have grown out of the vast class of Shudras from those which have grown out of the three classes of Brahmins, the Kshatriyas and Vaishyas. This line of class cleavage is the one which is expressed by the terms High Castes and Low Castes and which are short forms for High Class Castes and Low Class Castes.

Next after this line of cleavage there runs through the pyramid a second line of class cleavage. It runs just below the Low Class Castes. It sets above all the castes born out of the four Varnas i.e. The High Castes as well as the Low Castes above the remaining Castes which I will merely describe as the 'rest'. This line of class cleavage is again a real one and follows the well defined distinction which was a fundamental principle of the Chaturvarna System. The Chaturvarna System as is pointed out made a distinction between the four Varnas

putting the three Varnas above the fourth. But it also made an equally clear distinction between those within the Chaturvarna and those outside the Chaturvarna. It had a terminology to express this distinction. Those within the Chaturvarna—high or low, Brahmins or Shudras were called *Savarna* i.e. those with the stamp of the Varna. Those outside the Chaturvarna were called *Avarna* i.e. those without the stamp of Varna. All the Castes which have evolved out of the four Varnas are called *Savarna Hindus*—which is rendered in English by the term caste Hindus. The ‘rest’ are the *Avarnas* who in present parlance spoken of by Europeans as Non-Caste Hindus i.e. those who are outside the 4 original castes or Varnas.

Much that is written about the Caste System has reference mostly to the Caste-System, among the *Savarna Hindus*. Very little is known about the *Avarna Hindus*. Who are these *Avarna Hindus*, what is their position in Hindu Society, how are they related to the *Savarna Hindus*, are questions to which no attention has so far been paid. I am sure that without considering these questions no one can get a true picture of the social structure the Hindus have built. To leave out the Class cleavage between the *Savarna Hindus* and the *Avarna Hindus* is to relate Grimm’s Fairy Tale which leaves out the witches, the goblins and the ogres.

The *Avarna Hindus* comprise three divisions (1) Primitive Castes, (2) Criminal Castes and (3) The Untouchable Castes. The total population of persons comprising these three classes is by no means small. The population of the Primitive Tribes in India according to the Census of 1931 is stated to be about 25 millions. The total population of persons listed as Criminal is somewhere about 4½ millions. The total population of Untouchables in 1931 was about 50 millions. The grand total of these three comes to 79½ millions.

What is the relation of the *Savarna Castes* to the *Avarna Castes*? The cleavage between the *Savarna Castes* and the *Avarna Castes* is not uniform in its consequences with the result that the position created is not easy to grasp. The line of the cleavage running between the *Savarna Castes* and the *Avarna Castes* produces a relationship between the *Savarna Castes* and the two *Avarna Castes*—the Primitive and the Criminal Castes which is different from the relationship which it produces between the *Savarna Castes* and the last of the *Avarna Castes* namely the Untouchables. This line of cleavage between the *Savarna Castes* and the first two of the *Avarna Castes* is a cleavage between kindred and friends. It does not make intercourse on respectful terms between the two impossible. The cleavage between the *Savarna Castes* and the Untouchables is of a different kind. It is

a cleavage between two non-kindred and hostile groups. There is no possibility of friendly intercourse on respectable terms.

What is the significance of this line of cleavage? On what is it based? Although the cleavage is definite the basis of it has not been defined. But it seems that the basis of cleavage is the same as that which exists between the Dwijas and the Shudras. Like the Shudras the Avarna Castes are composed of unregenerate people. They are not twice born and have no right to wear the sacred thread. This also brings out two facts which otherwise are lost sight of. The first fact is that the difference between the Shudra Castes of the Savarna division of castes and the Primitive and the Criminal Castes of the Avarna division is very thin. Both are touchables and both are unregenerate. The difference is one of cultural development. But although the cultural difference between the two sections is great—as great as there is between a highly cultured and the unmitigated barbarian—from the point of view of the orthodox Hindu, the difference between them is one of degree. It is to mark this difference in culture that the Hindus invented a new terminology which recognized two classes of Shudras, (1) Sat-Shudras and (2) Shudras. Calling the old body of Shudras as Sat Shudras or cultured Shudras and using the term Shudras to those comprizing the Primitive Castes who had come within the pale of Hindu Civilization. The new terminology did not mean any difference in the rights and duties of Shudras. The distinction pointed out those Shudras who were fit for associated life with the Dwijas and those who were less fitted for it.

What is the relation of Avarna Castes to one another? Do they exist as mere collection of castes or have they any class cleavages? They are certainly mere collection of Castes. There are certainly lines of class cleavages running through this block of Avarna Castes. Whether there is a line of class cleavage running between the Primitive Castes and the Criminal Castes may be a matter of some doubt. Perhaps the line is faint. But there is no doubt that there is a very definite a very broad and a very emphatic line of cleavage between the Primitive Castes and the Criminal Castes and the Untouchables. The former two have a very clear notion that they are the higher classes and the Untouchables are the lower classes within this block of Avarna Castes.

The discussion carried on so far reveals three characteristic features of Hindu Social Organization: (1) Caste, (2) A hierarchial System of Castes and (3) A Class System cutting into the Caste System. Undoubtedly the structure is a very complicated one and it is perhaps difficult for one who has not been woven into it to form a true mental picture of the same. Perhaps a diagramatic presentation may be

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helpful. I give below one such representation which in my judgment is calculated to give the idea of this social structure of the Hindus.

A Caste Hindus Savarna Castes	C Caste Hindus Savarna Castes	E Non-Caste Hindus Avarna Castes	G Non-caste Hindus
Class I	Class II	Class III	Class IV
High Castes	Low Caste	Primitive Castes	Untouchables
Dwijas—Castes evolved out of the three Varnas, Brahmins, Kshatriyas and Vaishas.	Shudras— Castes evolved out of the 4th Varna namely Shudras.	Criminal Castes	
B	D	F	H

This diagram is left blank in the MS.—Ed.

This diagram presents a Class-Caste-System of the Hindus and is so drawn as to give a true and a complete picture of their social

organization. This diagram brings out several of its important features. It shows that there are two divisions of Hindus (I) Savarna Hindus and (II) Avarna Hindus. It shows that within the first division there are two classes of Castes (I) Dwijas and (2) Shudras and within the second division there are two Classes of castes (1) Primitive and Criminal Castes and (2) The Untouchable Castes. The next thing to note is that each caste is enclosed and separated from the rest—a fact which is not shown in the diagram—each of the four classes of Castes is grouped together and placed within a class enclosure. This enclosure segregates a class of a Caste and marks it off from another class. A class of Castes is not as organized as a Caste is. But a feeling of Class is there. The third thing to note is the nature of partitions used for the enclosures. They are of various strengths, some are permanent, some are temporary. The partition between the Dwijas Castes and the Shudras Castes is not a partition at all. It is only a curtain. It is not a partition at all. It is intended to keep them aloof. It is not intended to cut them as under. The line of cleavage between the Shudra Castes and the first two of the Avarna Castes is a regular partition. But it is both thin and small. It can be jumped over. The partition separates but does not cause severance. But the partition between these three classes and the Untouchables is a real and irremovable partition. It is a barbed wire fence and its intention is to mark a severance. To express the same thing in a different way the first three enclosures are so placed that they are one within the other. The first partition between the Dwijas and the Shudra Castes may be removed the two become the occupants of one enclosure instead of two separate enclosures. Similarly the second partition may be removed in which case the Castes which are Dwija, Shudra, Primitive and Criminal form one whole—if not a single whole—occupying one single enclosure. But the third partition can never be removed. Because all three Classes of Castes are united on one issue namely that they shall not be *one* (*This space is left blank in the typed copy of MS. The word 'one' is introduced by us.—Ed.*) with the Untouchables as one united body of people. There is a bar sinister, which serves the Untouchables from the rest and compells them to be apart and outside.

The diagram shows the different Classes of Castes one above the other. This is done to mark the hierarchy which is an important feature of the Caste System. I have described the two classes of the Savarna Castes as High Class Castes and Low Class Castes. But I have not described the other two classes of Avarna Castes as lower Class Castes and lowest Class Castes. In a sense this would have been correct. In general social esteem they are no doubt lower and lowest in

status. But in another sense this would not be appropriate. The terminology of high, low, lower and lowest assumes that they are parts of one whole. But are the Avarna Castes and the Savarna Castes parts of one whole? They were not. The Primitive and the Criminal Castes were not in contemplation when the plan of the Varna System, the parent of the present caste system, was laid. Consequently nothing is said about their status and position in the rules of the Varna System. But that is not the case with the Untouchables. They were within the contemplation of the Varna System and the Rule of the Varna System with regard to the Untouchables is very clear and very definite. The rule as laid down by Manu the Hindu Law giver is that there are only four Varnas and that there is not to be a fifth Varna. The reformers who are friends of Mr. Gandhi in his campaign for removal of Untouchability are endeavouring to give a new meaning to the statement of Manu. They say that Manu has been misunderstood. According to Manu there is no fifth Varna and therefore he intended to include the Untouchables into the 4th Varna namely the Shudras. But this is an obvious perversion. What Manu meant was there were originally four Varnas and four they must remain. He was not going to admit the Untouchables into the House the ancient Hindus had built by enlarging the Varna System to consist of five Varnas. That is what he meant when he said that there is not to be a fifth Varna. That he wanted the Untouchables to remain out of the Hindu social structure is clear from the name by which he describes the Untouchables. He speaks of them as Varna—Bahyas (those outside the Varna System). That is the difference between the Primitive and Criminal Castes and the Untouchables. There being no positive injunction against their admission in Hindu Society they may in course of time become members of it. At present they are linked to Hindu Society and hereafter they may become integrated into it and become part of it. But the case of the Untouchables is different. There is positive injunction against their incorporation in Hindu Society. There is no room for reform. They must remain separate and segregated without being a part of the Hindu Society. The Untouchables are not a part of the Hindu Society. And if they are a part they are a part but not of the whole. The idea showing the connection between the Hindus and the Untouchables was accurately expressed by Ainapure Shastri the leader of the orthodox Hindus at a Conference held in Bombay. He said that the Untouchables were related to the Hindus as a man is to his shoe. A man wears a shoe. In that sense it is attached to man and may be said to be a part of the man. But it is not part of the whole for two things that can be attached and detached can't be said to form parts of one whole. The analogy though is none the less accurate.

The Brahmanas also recognize Caste. In the Satapatha-Brahmanas Caste is mentioned in the following terms:

- “23. Brahma (here, according to the commentator, existing in the form of Agni, and representing the Brahman caste was formerly this (universe), one only. Being one, it did not develope. It energetically created an excellent form, the Kshattrra, viz., those among the gods, who are powers (Kshattrani), Indra, Varuna, Soma, Rudra, Parjanya, Yama, Mrityu, Isana. Hence nothing is superior to the Kshattrra. Therefore the Brahman sits below the Kshattriya at the rajasuya-sacrifice; he confers that glory on the Kshattrra (the royal power). This, the Brahma, is the source of Kshattrra. Hence, although the king attains supremacy, he at the end resorts to the Brahman as his source. Whoever destroys him (the Brahman) destroys his own source. He becomes most miserable, as one who has injured a superior.
24. He did not develope. He created the Vis.—viz., those classes of gods who are designated by troops, Vasus, Rudras, Adityas, Visvedevas, Maruts.
25. He did not develope. He created the Shudra Class, Pushan. This earth is Pushan; for she nourishes all that exists.
26. He did not develope. He energetically created an excellent form, Justice (Dharma). This is the ruler (kshattrra) of the ruler (kshattrra), namely Justice. Hence nothing is superior to justice. Therefore the weaker seeks (to overcome) the stronger by justice, as by a king. This justice is truth. In consequence they say of a man who speaks truth, ‘he speaks justice’; or of man who is uttering justice, ‘he speaks truth’. For this is both of these.
27. This is the Brahma, Kshattrra, Vis and Sudra. Through Agni it became Brahma among the gods, the Brahman among men, through the (divine) Kshattriya a (human) Kshattriya, through the (divine), Vaishya a (human) Vaisya, through the (divine) Sudra a (human) Sudra. Wherefore it is in Agni among the gods and in a Brahman among men, that they seek after an abode.”

Taittiriya Brahmana, i. 2, 6, 7.—*daivyo vai varno brahmanh assuryyo sudrah*. “The Brahman caste is sprung from the gods; the Sudra from the Asuras.”

It must be admitted that the legal and the religious sanction were both powerful engines to keep caste going. But there is no doubt that the religious sanction was the primary sanction and caste has been maintained solely by the force of Religious Sanction. This is clear from two circumstances. That the legal sanction was very seldom invoked will have to be admitted. That means that the maintenance of caste

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was secured by other means. Secondly this legal sanction was in use only till 1850. It was lifted or rather done away with by the Caste Disabilities Removal Act passed in that year by the British Government. Although the legal sanction is withdrawn, caste has gone on without abatement. That could not have happened if caste had not in the Religious Sanction another and more powerful sanction independent of the legal sanction.

That the Religious Sanction is the highest sanction which an institution or a belief can have to support and sustain it, is beyond question. Its power is boundless in its measure and tremendous in its curb. But it is very seldom understood how and whence this Religious Sanction gets this high-grade horse-power. To appreciate this it is necessary to note that the source of authority behind the Religious Sanction is two-fold.

In the first place what is Religious is also Social. To quote Prof. Durkheim.¹

“The really religious beliefs are always common to a determined group, which makes profession of adhering to them and of practising the rites connected with them. They are not merely received individually by all the members of this group; they are something belonging to the group, and they make its unity. The individuals which compose it feel themselves united to each other by the simple fact that they have a common faith.”

In the second place what is Religious is Sacral. To quote Durkheim again :²

“All known religious beliefs whether simple or complex, present one common characteristic; they presuppose a classification of all the things, real and ideal, of which men think, into two classes or opposed groups, generally designated by two distinct terms which are translated well enough by the words *profane and sacred*..... In all the history of human thought there exist no other example of two categories of things so profoundly differentiated or so radically opposed to one another. The traditional opposition of good and bad is nothing besides this; for the good and the bad are only two opposed species of the same class, namely morals, just as sickness and health are two different aspects of the same order of facts, life, while the Sacred and the profane have always and everywhere been conceived by the human mind as two distinct classes, as two worlds between there is nothing in common..... Religious beliefs are the representations which express the nature of sacred things and the

¹ Elementary Forms of Religious Life. pp. 37-40.

² *Ibid.*, p. 43.

relations which they sustain, either with each other or with profane things (while) rites are the rules of conduct which prescribe how a man should comfort himself in the presence of these Sacred objects.”

From this it will be clear that the Social, Religious and Sacral beliefs are closely knit. Religious is social though all that is social is not religious. Sacral is social though all that is social is not sacral. On the other hand the religious is both social and sacral.

One source of authority behind the religious sanction comes from the fact, that is, religion is social and the religious beliefs are social beliefs. Religious beliefs are enforced on the individual by the group in the same manner and for the same reasons which leads it to enforce its other non-religious and purely social beliefs. The object is to maintain the integrity of the group and as the integrity of the group is more closely bound up with its religious beliefs, the strictness and severity with which a group punishes the breach of a religious belief is usually greater than the degree of strictness and severity it employs for the chastisement of a person guilty of a breach of a non-religious belief. Social force has an imperative authority before which the individual is often powerless. In the matter of a religious belief the imperative authority of the social force is tempered as steel is by the feeling that it is a breach of a graver kind and gives religious sanction a far greater force than a purely social sanction has.

The Sacral source of the authority behind religious sanction comes primarily from the individual and only secondarily from the group. That is the noteworthy peculiarity of the social source of religious sanction. It prepares the individual to uphold the religious beliefs. It dispenses with the necessity of the group using its social group. That is why the sacral source of its authority makes religious sanction of such high order as to supersede all other sanctions indeed to dispense with them. That is why the Religious Sanction alone becomes sufficient to maintain the integrity of religious beliefs which even time and circumstances have proved powerless to affect. The way this happens is easy to follow. The Sacred inspires in the individual the sentiment of reverence and deference which he certainly has not for the profane. To use the language of Durkheim,

“The simple defence inspired by men with high social functions is not different in nature from religious respect (for the sacred). It is expressed by the same movements: a man keeps at a distance from high personage; he approaches him only with precautions; in conversing with him, he used other gestures and language than that used with ordinary mortals.”

The Sacred creates the sentiment of Reverence. It also creates the sentiment that it is inviolate. When a belief becomes consecrated as a Sacred thing, it is forbidden to touch it, to deny it or to contest it. There is a prohibition of criticism of the Sacred. The Sacred is 'untouchable and above discussion'. When an individual is saturated with these sentiments, when these sentiments become a part of his being, he himself becomes an upholder and protector of what he is taught to regard as something sacred.

This is exactly what the Hindus have done in the matter of Caste. They have given caste a place in the Vedas. Caste has thereby become sacred because the Vedas are Sacred. It would be wrong to say that the Vedas are sacred because they are religious. The position is that they are religious because they are sacred.

It might appear that the Hindus have no name for the Veda directly expressing the feeling of sacredness which the Hindu entertains towards the Vedas. Veda simply means knowledge. That may be so. But there can be no doubt that they regard the Vedas as sacred. Indeed the term they apply to Vedas expresses a far greater degree of reverence than the word sacred does. They call the Vedas *Shruti*—which means the word of God heard by (i.e. revealed to) man. In the primitive religion the Sacred is what man has made. In the Hindu religion the Sacred is what God has appointed it to be.

The Hindus regard the Vedas as the Sacred Book of their religion. They put the Vedas in a class by themselves. The Hindus hold¹ that there are cycles of creations called *Kalpas*. At the end of every cycle there is a deluge and a new cycle of creation begins. At the end of a *Kalpa*, the Vedas are destroyed in the deluge. At the beginning of every *Kalpa* they are revealed by God. Accordingly the *Vedas* were destroyed in the deluge at the end of the last *Kalpa* and that the beginning of the present *Kalpa* commencing with the *Krita Yug*, they were revealed by God to the *Rishis*. The Vedas are regarded by the Hindus as *Nitya* (eternal) *Anadi* (beginningless) and *Apaurusheya* (not made by man), In short the Vedas are the words of God and constitute God's ordinances to man.

Even if the Vedas were not called *Shruti* they would have had the imperativeness of the 'Sacred'. Religions have been variously classified by Prof. Max Muller.² Natural as against Revealed is one way of classifying them. Individual as against National is another way. The third way of classifying them is to call them Atheistic, Deistic, Dualistic, Polytheistic, Monotheistic, Henotheistic and Animistic. True

¹ M. Krishnamachariar—Classical Sanskrit Literature. Introduction, pp. vii-viii and p. 836.

² Introduction to the Science of Religion.

and False is also another way of classifying Religions. Bookless Religions and Religions with books are two classes into which Religion could be grouped. This probably does not exhaust the ways of classifying Religions. For there remains one more distinction to be made, namely Religions which have founders and religions which have no founders.

These distinctions have social significance except two. They are the distinctions between Natural and Revealed and that between Bookless Religion and Book Religion. They differ in their function although that difference is not often noted.

The Book religion has a definite advantage over a Bookless religion. A Book religion is a Religion with a written constitution. A Bookless Religion is a Religion without a written constitution. A book religion creates the impression that it is true which a bookless religion cannot. By comparison with a book religion, a bookless religion wears the inferiority complex of being false. In the language of Max Muller Religions with books are alone “considered as real religions, and though they may contain false doctrines, they are looked upon as a kind of aristocracy to whom much may be forgiven, while the vulgar crowd of bookless or illiterate religions are altogether out of Court ”.¹ It is easy to understand the superiority accorded to a religion with a book over a bookless religion. When ‘black on white’ has become synonymous with true, it may seem very natural that a religion which is written, which is something black on white is not false. The Book serves as the voucher for truth. A religion without a book has no voucher.

The social significance of a religion with a book lies in the fact that it controls the mind of the people by giving them the impression that the religion contained in the book is true. It gives Religion authority over people and induces willing obedience in them.

But however a Religion may appear to be true by reason of the fact that it is a book religion, such appearance cannot save Religion from going under, if beliefs and rites empirically erroneous have crept into it. Man may go wrong in theory but his practical instincts will seldom allow him to go after a wrong theory for a long time. Unless therefore the religious beliefs of a social group are true, practically Religion must in the long run give way.

Herein comes the social significance of the distinction between Natural Religion and Revealed Religion. A Revealed Religion has superiority over Natural Religion. Natural Religion is used by several writers to certain historical forms of religion. Something which has grown along with the growth of people—as a result of the interaction

¹ Natural Religion, p. 549.

between the needs of the peoples and the environment in which they are placed. A natural religion is made by man. Its sanction is the sense of truth and the voice of conscience that is to be found in man. A Revealed Religion does not rest on the authority of man. It is not man-made, it is God-made. Its sanction is God who is absolute truth and absolute good. The function of Revealed Religion is to make religion sacred therefore inviolate and immune from criticism.

The Vedas have the characteristics of both. They have the advantage which a Religion with a book has over the Bookless Religion. They have the advantage which a Revealed Religion has over Natural Religion.

This discussion is intended to enforce the conclusion that Caste being preached by the Vedas, it automatically gets the authority of the written book and the sanctity of the divine word. As a scheme propounded by the Veda it is doubly protected. Every one must accept Caste because it is divine truth and no body must attack it as an error without being guilty of sacrilege because it is sacred.

This is the Hindu view of Caste and the average Hindu is not impressed by the modern explanation of it by Risley with his racial theory, by Senart with his occupational theory, by Nesfield with his functional theory. He knows and he believes that Caste must have been created by God, because it is mentioned in the Vedas which is *Shruti* or the word of God. It is therefore eternal and true.

That Caste is divine, that caste is sacred and that caste must therefore remain eternal has been the line of defence adopted by the Brahmins whenever they have been called out to defend 'Caste' against the criticism of its opponents. This view of Caste comes out in its luminous colours in the controversy that once raged on the subject of Caste between Brahmins on the one hand and Buddha and his followers, on the other i.e.:

"If the belief was once established, that not only the simple effusions of the Rishis, but the pointed doctrines of the Brahmanas also, emanated from a divine source, and could not therefore be attacked by human reasoning, it is clear that every opposition to the privileges which the Brahmins claimed for themselves, on the sacred authority of the Veda, became heresy; and where the doctrines of the Brahmins were the religion of the people, or rather of the king, such opposition was amenable to the hierarchical laws of the state. The Brahmins themselves cared much more to see the divine authority of the Sruti as such implicitly acknowledged, than to maintain the doctrines of the Rishis in their original simplicity and purity. In philosophical discussions, they allowed the greatest

¹ Source of the following quotations upto page 167 is not mentioned in the M.S.—Ed.

possible freedom; and, although at first three philosophical systems only were admitted as orthodox (the two Mimansas and the Nyaya), their number was soon raised to six, so as to include the Vaiseshika, Sankhya, and Yoga-schools. The most conflicting views on points of vital importance were tolerated as long as their advocates succeeded, no matter by what means, in bringing their doctrines into harmony with passages of the Veda, strained and twisted in every possible sense. If it was only admitted that besides the perception of the senses and the induction of reason, revelation also, as contained in the Veda, furnished a true basis for human knowledge, all other points seemed to be of minor importance. Philosophical minds were allowed to exhaust all possible views on the relation between the real and transcendental world, the Creator and the created, the divine and the human nature. It was not from such lucubrations that danger was likely to accrue to the caste of the Brahmans. Nor was the heresy of Buddha Sakya Muni found so much in his philosophical doctrines, many of which may be traced in the orthodox atheism of Kapila. His real crime lay in his opposition to the exclusive privileges and abuses of the Brahmans. These abuses were sanctioned by the divine authority of the Veda, and particularly of the Brahmans. In attacking the abuses, Buddha attacked the divine authority on which they were founded, and the argument was short: he is a heretic; anathema etc.

“ Buddha was Kshatriya. He was of principal origin, and belonged to the nobility of the land. He was not the first of his caste who opposed the ambition of the Brahmans. Several centuries before Buddha, Visvamitra, who, like Buddha, was a member of the royal caste, had to struggle against the exclusiveness of the priests. At that early time, however, the position of the Brahmans was not yet impregnable; and Visvamitra, although a Kshatriya, succeeded in gaining for himself and his family the rights for which he struggled, and which the Brahmans had previously withheld from all but their own caste. King Janaka of Videha again, whose story is given in the Brahmanas, refused to submit to the hierarchical pretensions of the Brahmans, and asserted his right of performing sacrifices without the intercession of priests. However great the difference may have been between the personal character of these two men and of Buddha, the first principle of their opposition was the same. All three were equally struggling against the over-weening pretensions of a selfish priesthood.

“But while Visvamitra contented himself with maintaining the rights of his tribe or family, and became reconciled as soon as he

was allowed to share in the profits of the priestly power, while King Janaka expressed himself satisfied with the homage paid to him by Yajnavalkya and other Brahmins, while, in short, successive reformers as they appeared were either defeated or gained over to the cause of the Brahmins,—the seeds of discontent were growing up in the minds of the people. There is a dark chapter in the history of India, the reported destruction of all the Kshatriyas by Parsurama. It marks the beginning of the hierarchical supremacy of the Brahmins. Though the Brahmins seem never to have aspired to the royal power, their caste, as far as we know the history and traditions of India, has always been in reality the ruling caste. Their ministry was courted as the only means of winning divine favour, their doctrines were admitted as infallible, their gods were worshipped as the only true gods, and their voice was powerful enough to stamp the simple strains of the Rishis, and the absurd lucubrations of the authors of the Brahmins, with a divine authority. After this last step, however, the triumph of Brahmanism was preparing its fall. In India, less than in any other country, would people submit to a monopoly of truth; and the same millions who were patiently bearing the yoke of a political despotism threw off the fetters of an intellectual tyranny. In order to overthrow one of the oldest religions of the world, it was sufficient that one man should challenge the authority of the Brahmins, the gods of the earth (Bhudeva), and preach among the scorned and degraded creatures of God the simple truth that salvation was possible without the mediation of priests, and without a belief in books to which these very priests had given the title of revelation. This man was BUDDHA, a SAKYA MUNI. Now if we inquire how Buddha's doctrines were met by the Brahmins, it is true that here and there in their philosophical works, they have endeavoured to overthrow some of his metaphysical axioms by an appeal to reason. An attempt of this kind we have, for instance, in Vachaspati Misra's commentary on the Vedanta Sutras. In commenting on the tenets of Buddha, that "ideas like those of being, and not being, &c, do not admit of discussion", Vachaspati observes that the very fact of speaking of these ideas, includes the possibility of their conception; nay, that to affirm they do not admit of reasoning, involves an actual reasoning on them, and proves that the mind can conceive the idea of being as different from that of not-being.

"Such, however, were not the usual weapons with which Brahmanism fought against Buddhism. The principal objection has always been, that Buddha's teaching could not be true, because it

did not derive its sanction from Sruti or revelation. The Brahmins, as a caste, would readily have allowed being and not being, and the whole of Buddha's philosophy, as they did the Sankhya philosophy, which on the most important points is in open opposition to the Vedanta. But while Kapila, the founder of the Sankhya school, conformed to the Brahmanic test by openly proclaiming the authority of revelation as paramount to reasoning and experience, Buddha would not submit to this, either for his philosophical (abhidharma), or for his much more important moral and religious doctrines (vinaya). No doubt it would have been easy for him to show how some of his doctrines harmonised with passages of the Veda, as in the Veda all possible shades of the human mind have found their natural reflection. If he had done so only for some of his precepts, such, for instance, as, "Thou shall not murder", "Thou shall not drink", "Thou shall eat standing", the Brahmins would readily have passed over other doctrines, even such as came into practice after Buddha's death, like "Who longs for heaven, shall worship the holy sepulchre", "He shall pull out his hair", &c. As he refused to do so, the line of argument taken by the Brahmins was simply confined to an appeal to revelation, in disproof of the possibility of the truth of Buddha's doctrines.

"There must be something very tempting in this line of argument, for we see that in later times the Buddhists also endeavoured to claim the same divine character for their sacred writings which the Brahmins had established for the Veda. A curious instance of this is given in the following discussion, from Kumarila's Tantra-varttika. Here the opponent (purva-paksha) observes, that the same arguments which prove that the Veda is not the work of human authors, apply with equal force to Sakya's teaching. His authority, he says, cannot be questioned, because his precepts are clear and intelligible; and as Sakya is not the inventor, but only the teacher of these precepts, and no name of an author is given for Sakya's doctrines, the frailties inherent in human authors affect them as little as the Veda. Everything, in fact, he concludes, which has been brought forward by the Mimamsakas to prove the authority of the Veda, proves in the same way the authority of Buddha's doctrine. Upon this, the orthodox Kumarila grows very wroth, and says: "These Sakyas, Vaiseshikas, and other heretics who have been frightened out of their wits by the faithful Mimamsakas, prattle away with our own words as if trying in lay hold of a shadow. They say that their sacred works are eternal; but they are of empty minds, and only out of hatred they wish to deny that the Veda is the most

ancient book. And these would-be logicians declare even, that some of their precepts (which they have stolen from us,) like that of universal benevolence, are not derived from the Veda, because most of Buddha's other sayings are altogether against the Veda. Wishing, therefore, to keep true on this point also, and seeing that no merely human precept could have any authority on moral and supernatural subjects, they try to veil their difficulty by aping our own argument for the eternal existence of the Veda. They know that the Mimansakas have proved that no sayings of men can have any authority on supernatural subjects; they know also that the authority of the Veda cannot be controverted, because they can bring forward nothing against the proofs adduced for its divine origin, by which all supposition of a human source have been removed. Therefore, their hearts being gnawed by their own words, which are like the smattering of children, and having themselves nothing to answer, because the deception of their illogical arguments has been destroyed, they begin to speak like a foolish suitor who came to ask for a bride, saying, 'My family is as good as your family'. In the same manner they now maintain the eternal existence of their books, aping the speeches of others. And if they are challenged and told that this is our argument, they brawl, and say that we, the Mimansakas have heard and stolen it from them. For a man who has lost all scheme, who can talk away without any sense, and tries to cheat his opponent, will never get tired, and will never be put down!" Towards the end of this harangue, Kumarila adds, what is more to the point, that the Buddhas, who ascribe to everything a merely temporary existence, have no business to talk of an eternal revelation."

From the foregoing discussion it will be seen that Caste is born in religion which has consecrated it and made it Sacred so that it can be rightly and truly said that Religion is the Rock on which the Hindus have built their social structure.

Does this not show that Caste is a very peculiar institution not to be compared with other forms of social grouping? I venture to say that any one who maintains that there is nothing strange in caste simply does not know what Caste is. I repeat that Caste is Sacred, which is its distinguishing feature. Caste is Sacred, which is what makes it abiding.

Prof. Max Muller makes some very instructive observations on the effects of Religion with Sacred books on the progress of Society. Says Max Muller:

"History, however, teaches us another lesson, namely that codes of law are apt to become a kind of fetish, requiring an implicit and

unquestioning submission, that their historical or natural origin is often completely forgotten, and that the old ideas of what is right and just are almost absorbed, nay, almost annihilated, in the one idea of what is written and legal.

“The study of Eastern religions teaches us the same lesson. Sacred books often become a kind of fetish, requiring an implicit and unquestioning faith; their historical or natural origin is often completely forgotten, and the old ideas of what is true and divine are almost absorbed in the one idea of what is written and orthodox.

“And there is a third lesson which history teaches us. The sense of responsibility of every citizen for the law under which he lives is in great danger of becoming deadened, when law becomes a profession and is administered with mechanical exactness rather than with a strong human perception of what is right and what is wrong. Nor can it be denied that the responsibility of every believer for the religion under which he lives is in the same danger of becoming deadened, when religion becomes a profession, and is administered with ceremonial exactness rather than with a strong human perception of what is true and what is false.

“My object, however, is not to show the dangers which arise from sacred books, but rather to protest against the prejudice which prevails so widely against religions which have no sacred books.

“There is great difference between book-religions and bookless religions, and the difference offers, from an historical point of view, a very true ground of division. But because the book-religions, have certain advantages, we must not imagine that the bookless religions are mere outcasts. They have their disadvantages, no doubt; but they have a few advantages also.

“A Blackfoot Indian, when arguing with a Christian missionary, described the difference between his own religion and that of the white man in the following words:

‘There were two religions given by the Great Spirit, one in a book for the guidance of the white men who, by following its teachings, will reach the white man’s heaven; the other is in the hands of the Indians, in the sky, rocks, rivers, and mountains. And the red men who listen to God in nature will hear his voice, and find at last the heaven beyond.’

“Now that religion which is in the head and in the heart, and in the sky, the rocks, the rivers and the mountains is what we call Natural Religion. It has its roots in nature, in human nature, and in that external nature which to us is at the same time the veil and the

revelation of the Divine. It is free, it grows with the growth of the human mind, and adapts itself to the requirements of every age. It does not say, 'Thou shalt', but rather, 'I will'. These natural or bookless religions are not entirely without settled doctrines and established customs. They generally have some kind of priesthood to exercise authority in matters of faith, morality, and ceremonial. But there is nothing hard and unchangeable in them, nothing to fetter permanently the growth of thought. Errors when discovered, can be surrendered, a new truth, if clearly seen and vigorously defended, can be accepted. If, however, there is once a book, something black on white, the temptation is great, is almost irresistible, to invest it with a more than human authority in order to appeal to it as infallible, and as beyond the reach of human reasoning. We can well understand what the ancient poets of the Veda meant by calling their hymns God-given, or by speaking of them as what they had seen or heard, not what they had elaborated themselves. But a new generation gave a new meaning to these expressions, and ended by representing every thought and word and letter of the Veda as 'God-given,' or revealed. This was the death-blow given to the Vedic religion, for whatever cannot grow and change must die. From this danger the bookless religion are exempt."

Similar observations are made by Sir William Muir. Speaking of Islam he has given powerful expression to the dangers arising from Sacred Codes of Religion. Sir William Muir says:

"From the stiff and rigid shroud in which it is thus swathed, the religion of Mahomed cannot emerge. It has no plastic power beyond that exercised in its earliest days. Hardened now and inelastic, it can neither adapt itself, nor yet shape its votaries, nor even suffer them to shape themselves, to the varying circumstances, the wants and developments of mankind" . (Quoted by E de Bunsen in an article in the Asiatic Quarterly Review, April, 1889, Mahomed's Place in the Church, p. 287.)

Every one who is interested in the progress of humanity cannot fail to echo these sentiments regarding the social consequences of Sacred Codes of Religion. But it seems to me that a further distinction is possible within the Class of Religion with Sacred Codes. It is a pity that Prof. Max Muller did not pursue the matter further. But it is worth pursuing because it discloses a difference which is very real which marks off the Hindus as a people with a Sacred Code of Religion from other people also possessing a Sacred Code of Religion. The difference will be clear if one begins to examine the different religions to find out what are the objects which religions have sought to consecrate.

Such an examination will show that there are instances where Society has consecrated inanimate things and inculcated on the minds of its members the religious belief that they are sacred. There are cases where stones, rivers, trees are made gods and goddesses. There are instances where Society has consecrated living things and inculcated on the minds of its members the religious belief that they are sacred. There are cases of animals which have become clan totems. There are instances where Society has consecrated human beings and inculcated the religious beliefs that they are sacred. But there are no instances where a particular Social Order has been consecrated by Religion and made Sacred. The primitive world had its clan order and its tribal order. But the clan or the tribal order was only a social order and was never consecrated by religion and made sacred and inviolate. The ancient world countries like Egypt, Persia, Rome, Greece etc., each had its social order in which some were free and some were slaves, some were citizens, some were aliens, some of one race, some of another. This class order again was only a social order and was never consecrated by religion and made sacred and inviolate. The modern world has its order, in some it is Democracy, in some Fascism, in some Nazism and in some Bolshevism. But here again the order is only Social order. It is not consecrated by religion and made sacred and inviolate.

Nowhere has Society consecrated its occupations, the ways of getting a living. Economic activity has always remained outside the sanctity of religion. Hunting society was not without religion. But hunting as an occupation was not consecrated by religion and made sacred. Pastoral Society was not without religion. But pasturage was not consecrated by religion and made sacred. Farming as an occupation did not become consecrated by religion and made sacred. Feudalism with its gradations, with its Lords, vassals and serfs was a purely social in character. There was nothing sacred about it.

The Hindus are the only people in the world whose Social order—the relation of man to man is consecrated by religion and made sacred eternal and inviolate. The Hindus are the only people in the world whose economic order—the relation of workman to workman—is consecrated by religion and made sacred, eternal and inviolate.

It is not therefore enough to say that the Hindus are a people with a sacred code of Religion. So are the Zoroastrians, Israelites, Christians and Muslims. All these have sacred codes. They consecrate beliefs and rites and make them sacred. They do not prescribe, nor do they consecrate a particular form of social structure—the relationship between man and man in a concrete form—and make it sacred

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inviolable. The Hindus are singular in this respect. This is what has given caste its abiding strength to defy the ravages of time and the onslaughts of time.

There is one other respect in which Hindus differ from other folk possessing codified religions similar to that of the Hindus. The Hindu Code of Religion is a revelation from God. That is why the Vedas are called Shruti (what is heard). So are the Codes of Religions accepted by the Zoroastrians, Jews, Christians and Muslims. Ask to whom this God's word sent to the Zoroastrian, Jews, Christians, and Muslims was revealed, who heard this word of God? The Zoroastrian will say that the word of God contained in their Religious Code was heard by Zoroaster. The Jews will say it was heard by Moses, Christians will say it was heard by Jesus and Muslims will say it was heard by Muhammad. Now ask the Hindu who heard the word of God contained in the Vedas, to whom was it revealed. The Hindu has no answer. He cannot name the person who heard this word of God. Now the Mantras contained in the Vedas have their authors mentioned in the Vedas themselves. But the Hindus will not say that these are the persons who heard the word of God which is contained in the Vedas. This difference goes a great way to protect the sacred character of the Vedas. For the Bible as a Sacred Book can be attacked by attacking the character of Moses or Jesus. Similarly the Koran as a Sacred Book can be attacked by attacking the character of Mahomed. But the Veda cannot be attacked by attacking the character of the messenger or the founder. For the simple reason that there is none.

As I have said Religion is the Rock on which the Hindus have built their house. It will now be seen that it is not an ordinary sort of hard Rock. It is granite.

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IN THE PLENARY SESSION (GENERAL REVIEW)

Eighth Sitting—19th January 1931

DEMAND FOR SPECIFIC AND CONCRETE PROVISIONS FOR SAFEGUARDS OF DEPRESSED CLASSES IN THE FUTURE CONSTITUTION

**Dr. Ambedkar:* Mr. Prime Minister, the Round Table Conference has had to grapple with two most important questions which must arise in any attempt to organise the political life of a community. The problem of responsible government was one of them and the other was that of representative government.

On the question of responsible government in the Provinces I have very little to say. I accept the report of the Committee and subject to my dissents, I stand by it. But regarding the question of responsible government in the Centre I am afraid I take a different view. It would be dishonest to say that the report of the Federal Structure Sub-Committee does not contemplate change in the bureaucratic form of government as we know it today. But it would be equally dishonest for me to conceal from you my opinion that this change is shadowy and not substantial, and the responsibility is bogus and not real.

The Lord Chancellor told us that he had sown the seed and it was for us to tend the plant Sir, we are indeed very grateful to the Lord Chancellor for the great part he has played in this momentous Conference. Grateful as I am to him I am not sanguine that the plant he promises will grow. I fear the grain he has chosen for his seed is sterile and the soil in which he has cast it is not congenial to its growth.

I had submitted to the Lord Chancellor a statement[†] containing my views on the future constitution for Federal India. I do not know whether or not the Committee on which he presided considered it, for I do not find any reference to it in the report of the Committee on which he presided,

^{*}Proceedings of R.T.C. (1930-31), First Session, pp. 438-41.

[†]Lord Chancellor was the Chairman of Sub-Committee No. I (Federal Structure) of which Dr. Ambedkar was not a member. It seems, the statement referred to above was not considered.

I adhere to the views I expressed therein, and I cannot give my approval to a constitution which so largely departs from those views. Indeed if I were given a choice between the existing system and the cross-bred by the Committee I would prefer the existing one. But, Sir, if the constitution for the Central Government contained in the Report of the Committee satisfies Sir T. B. Sapru, who has been the friend, guide and philosopher of this Conference, if it is agreeable to Mr. Jayakar, who proclaimed himself the representative of the Youth of India, and if it pleases Sir A. P. Patro, who speaks, as he says, in the name of the Non-Brahmins of India, it is not for me to oppose. My attitude, therefore, is that of one who does not approve but who also does not obstruct. I will leave it to those who bless it to carry it through.

This attitude is all the more agreeable to me because I have no mandate from those whom I represent regarding the form of government. But I have a mandate and that is, while not opposing responsible government, to see that no responsible government was established unless it was at the same time accompanied by a truly representative government. It is when I look at the achievement of the Conference to find out how it has dealt with the question of representative government that I feel most disappointed. The franchise and the representation of the different classes in the Legislatures are the two pillars on which a truly representative government can rest. Everybody knows that the Nehru Committee had adopted adult suffrage and that that part of the constitution framed by it had the support of all political parties in India. When I came to this Conference I had thought that so far as the question of franchise was concerned the battle had already been won. But in the Franchise Committee I was completely disillusioned. I found to my great surprise that all those who had signed the Nehru Report had done so with mental reservations, so much so that it was difficult to persuade even the Indian Liberals to consent to enfranchise 25 per cent of the population for Provincial Legislatures. The franchise for the Central Legislature is no doubt an unknown quantity. But I have no hope that it will be such as to make the Central Legislature more representative of the people than the Provincial Legislatures are going to be. A franchise so limited must necessarily make the future government of India a government of the masses by the classes.

Regarding the question of the distribution of seats among the majority and the various minority communities we all know that there is a deadlock. The deadlock is largely due, in my opinion, to the mischief done in the past. I am sure that if the authorities in India had acted in the past on the principle of justice to all and favour to none, the problem would not have become so difficult of solution. The British Government set different values on different communities according to the political use they made of them and gave to many communities an extraordinary share of political power by denying it to the Depressed Classes in a measure which was their rightful due. In this matter the most aggrieved community is the

Depressed Classes, and I was hoping that this Conference would proceed on the principle that what is wrongly settled is never settled, and give to the Depressed Classes their rightful quota of seats by a revaluation of the old values. But this has not happened. The claims of the other minorities have already been acknowledged and defined. All that they stand in need of is alterations and amendments to bring them in conformity with the enlarged structure and increased scope of the new Government. Whatever be the alterations and amendments, no one will dare to furrow out the foundations that have already been laid down. The case of the Depressed Classes is totally different. Their claims have just been heard. They have not even been adjudged and I do not know how many of them will be admitted. To my mind it is not improbable that having regard to the helplessness of their position, the claims of the Depressed Classes for representations may be whittled down to satisfy the ever-increasing scramble by other communities who are manoeuvring not so much for protection as for power.

In view of this I am bound to make my attitude perfectly plain. As the rights of the Depressed Classes in the future constitution are not defined, any announcement that might be made on behalf of His Majesty's Government regarding the introduction of responsibility in the Centre as well as in the Provinces should make it clear that any advance in that direction must be on condition and subject to an agreement between the communities which would provide effective safeguards for the rights and interests of the Depressed Classes. I must emphasize the gravity of the situation and bring to your notice that no announcement will be acceptable to us unless the position is made perfectly clear in this behalf, and that failing this I and my colleague will be unable to accept the responsibility of participating in the further work of the Conference, and will be compelled to dissociate ourselves from it. Sir, in asking you to do so, I am not asking you to do more than give effect to your pledged word. The British Parliament and those who speak for it, have always stated that they are trustees for the Depressed Classes and I am sure that what they have been saying is not one of those conventional lies of civilization which we are all led to utter to keep human relations as pleasant as possible. In my opinion it is therefore the bounden duty of any Government to see that that trust is not betrayed and let me tell you, Mr. Prime Minister, that the Depressed Classes would regard it as the greatest betrayal on the part of His Majesty's Government if it were to leave us to the mercy of those who have taken no interest in our welfare and whose prosperity and greatness is founded on our ruination and degradation.

For saying so I will be called a communalist by the nationalists and patriots of India. I am not afraid of that. India is a peculiar country and her nationalists and patriots are a peculiar people. A patriot and a nationalist in India is one who sees with open eyes his fellowmen treated as being less than men. But his humanity does not rise in protest. He knows that men and women for no cause are denied their human rights. But it does

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not prick his civic sense to helpful action. He finds whole class of people shut out from public employment. But it does not rouse his sense of justice and fair play. Hundreds of evil practices that injure man and society are perceived by him. But they do not sicken him with disgust. The patriot's one cry is power and more power for him and for his class. I am glad I do not belong to that class of patriots. I belong to that class which takes its stand on democracy and which seeks to destroy monopoly in a very shape and form. Our aim is to realise in practice our ideal of one man one value in all walks of life, political, economic and social. It is because representative government is one means to that end that the Depressed Classes attach to it as great a value and it is because of its value to us that I have urged upon you the necessity of making your declaration subject to its fulfilment. You may tell me that the Depressed Classes have your sympathy. My reply is, for a stricken people what is wanted is something more concrete, something more defined. You may despise me for being unduly apprehensive. My reply is it is better to be despised for too anxious apprehensions rather than be ruined by too confident a security.

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IN THE MINORITIES COMMITTEE

Seventh Sitting—28th September 1931

**Chairman:* There are other minorities which are represented. If we adjourn, they will have to see if they can get their point of view made ready for expression. An adjournment would be useful only if those representatives of the other sections would use the adjournment period for the purpose of preparing something, and then handing in to me, in preparation for the next meeting, a list of names of those who would like to take part in the discussions. I am rather at a disadvantage this morning because nobody has handed in his name. If you would like it, I could conduct this Conference in such a way that you would break up in the course of two or three meetings. That is exactly what I am determined shall not happen. In order to be able to guide the discussion in a friendly and in a profitable way I should like to know who is going to speak, and what points of view are going to be put forward, so that the speakers might be called upon at the most helpful moment. The idea is not to suppress speeches at all, but, in order that the discussion shall proceed in such a way as to produce the maximum amount of good. If you do adjourn now, please remember that the others of you are coming to a bargain with me that you too will use this time for the purpose of making preparations for a statement which will be brief, to the point, and comprehensive, and, I beg of you, helpful. On that understanding, and with that bargain, will you adjourn?

Dr. Ambedkar: I would like to say one word before we adjourn. As regards your suggestion — that while these negotiations are going on members of the other minority communities should prepare their case — I should like to say that, so far as the Depressed Classes are concerned, we have already presented our case to the Minorities Sub-Committee last time.

The only thing which remains for me to do is to put before this Committee a short statement suggesting the quantum of representation which we want in the different Legislatures. Beyond that I do not think I am called upon to do anything; but the point I am anxious to make at the very outset is

* Proceedings of the Federal Structure Committee and Minorities Committee, Vol, I, pp. 1337-38.

this. I have heard with great pleasure that further negotiations are going to, take place for the settlement of the communal issue. But I would like to make this matter absolutely plain at the very start. I do not wish that any doubt should be left on this question at all. Those who are negotiating ought to, understand that they are not plenipotentiaries at all; that whatever may be the representative character of Mr. Gandhi or the Congress people, they certainly are not in a position to bind us—certainly not. I say that most emphatically in this meeting.

Another thing I want to say is this—that the claims put forward by the various minorities are claims put forward by themselves irrespective of the consideration as to whether the claims that they have put forward are consistent with the claims of the other minorities. Consequently, any negotiations which take place between one minority on the one hand and the Congress or any other people for that matter on the other hand, without taking into consideration the claims which have been put forward by the other minorities can have no chance of success as far as I am concerned. I want to make that absolutely plain. I have no quarrel with the question whether any particular community should get weightage or not, but I do want to say most emphatically that whoever claims weightage and whoever is willing to give that weightage he must not give it—he cannot give it—out of my share. I want to make that absolutely plain.

Sir Henry Gidney: I want to say a very few words, I wholeheartedly associate myself with my friend Dr. Ambedkar. Representing a small community as I do, I fail to see where I come in this transaction. If the Congress on the one hand makes a settlement with the Muhammadans on the other hand, where do the other minority communities come in? You ask us to settle our differences amongst ourselves and to present them individually. We have already done so. At the last Conference I submitted the minimum demands of the small community I represent. I want to make it abundantly clear that in making this new map of India all minorities should have the right of putting their own little spot on it and I do not see how we can if the settlement here is going to be entirely a Hindu-Muslim pact

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†*Chairman:* Do not let there be any misunderstanding. This is the body before which the final settlement must come, and the suggestion is merely that if there are minorities or communities that hitherto have been in conflict with each other, they should use a short time for the purpose of trying to overcome their difficulties. That will be a step, and a very important and essential step, towards a general agreement, but the agreement is going to be a general one.

Dr. Ambedkar: I have made my position absolutely clear.

† Proceedings of the Federal Structure Committee and Minorities Committee, Vol. I, pp. 1338-39.

Chairman: Dr. Ambedkar's position has been made absolutely clear ; in his usual splendid way he has left no doubt at all about it, and that will come up when this body resumes its discussions. What I would like to do is to get you all to feel that we are co-operating together for a general settlement; not for a settlement between any two or any three, but a complete settlement.

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†*Dr. Ambedkar:* I should like to suggest whether it would not be possible for you to appoint a small Committee consisting of members drawn from the various minority communities, along with the Congress representatives, to sit in an informal manner and discuss this problem during the period of the adjournment.

Chairman: I was going to make this suggestion. Do not ask me to appoint that Committee ; do it yourselves. I have invited you to get together. Could not you manage to hold an informal meeting amongst yourselves and talk the matter over, and then when you speak here you will speak with some sort of knowledge of the effect of what you are saying on others ? Could we leave it in that way ?

Dr. Ambedkar: As you like.

Chairman: That would be far better.

Eighth Sitting—1st October 1931

‡*Mr. Gandhi:* Prime Minister, after consultation with His Highness The Aga Khan and other Muslim friends last night, we came to the conclusion that the purpose for which we meet here would be better served if a week's adjournment was asked for. I have not had the opportunity of consulting my other colleagues, but I have no doubt that they will also agree in the proposal I am making. I have been having with my Muslim friends anxious conversations, and I had the pleasure of meeting some other friends also last afternoon belonging to the different groups or classes. We were not able to make much headway, but they too felt that the time at our disposal was too short even for exchanging views. I may say for myself that beyond this week's adjournment I would not press for any further adjournment, but I would report to this Committee what has been the result of the endeavour I shall be making during the week.

I let out no secret when I inform this Committee that His Highness and the other friends with whom I was closeted last night laid upon my shoulders the burden of calling representatives of the different groups together and holding consultations with a view to arriving at some final settlement. If this proposal of mine commends itself to you, Prime Minister, and to the

† Proceedings of the Federal Structure Committee and Minorities Committee, Vol. I, p. 1340.

‡*Ibid.*, pp. 1340-45.

rest of the members of this Committee, I shall be glad. I know that His Highness will second this proposal, and let us all hope that at the end of the week it will be possible to report some sort of a settlement.

When I express this hope I do not wish to convey any impression that, because I express it, there is something that I know, and on which I am building that hope. But I am an irrepressible optimist, and often in my lifetime when the horizon has appeared to be the blackest, some turn has taken place which has given ground for hope. Whatever it may be, so far as human endeavour is possible, all that endeavour will be made. I have no doubt, by many members of this Committee to arrive at a settlement.

With these words I leave my proposal, that we adjourn our proceedings to this day in your hands for consideration.

H. H. The Aga Khan: I have pleasure in seconding the proposal.

Sardar Ujjal Singh: I rise to give my wholehearted support to this proposal, and I share the hope that by this means we may come to some understanding, given goodwill on both sides.

Dr. Ambedkar: I do not wish to create any difficulty in our making every possible attempt to arrive at some solution of the problem with which this Committee has to deal, and if a solution can be arrived at by the means suggested by Mahatma Gandhi, I, for one, will have no objection to that proposal.

But there is just this one difficulty with which I, as representing the Depressed Classes, am faced. I do not know what sort of committee Mahatma Gandhi proposes to appoint to consider this question during the period of adjournment, but I suppose that the Depressed Classes will be represented on this committee.

Mr. Gandhi: Without doubt.

Dr. Ambedkar: Thank you. But I do not know whether in the position in which I am today, it would be of any use for me or my colleague to work on the proposed committee. And for this reason, Mahatma Gandhi told us on the first day that he spoke in the Federal Structure Committee that as a representative of the Indian National Congress he was not prepared to give political recognition to any community other than the Muhammadans and the Sikhs. He was not prepared to recognise the Anglo-Indians, the Depressed Classes, and the Indian Christians. I do not think that I am doing any violence to etiquette by stating in this Committee that when I had the pleasure of meeting Mahatma Gandhi a week ago and discussing the question of the Depressed Classes with him, and when we, as members of the other minorities, had the chance of talking with him yesterday in his office, he told us in quite plain terms that the attitude that he had taken in the Federal Structure Committee was his full and well considered attitude. What I would like to say is that unless at the outset I know that the Depressed Classes are going to be recognised as a community entitled to political recognition in the future constitution of India, I do not know whether it will serve any purpose for

me to join the particular committee that is proposed by Mahatma Gandhi to be constituted to go into this matter. Unless, therefore, I have an assurance that this committee will start with the assumption that all those communities which the Minorities Sub-Committee last year recommended as fit for recognition of India will be included, I do not know that I can wholeheartedly support the proposition for adjournment, or that I can wholeheartedly co-operate with the committee that is going to be nominated. That is all that I wish to make plain now.

Sir Henry Gidney (Anglo-Indians): On behalf of the community which I have the honour to represent, I associate myself entirely with my friend Dr. Ambedkar. I also am in the unfortunate position of having been refused recognition by Mahatma Gandhi as far as a separate community is concerned. I may be wrong, but I am sure that Mahatma Gandhi will correct me if I am. Yesterday, when we met Mahatma Gandhi upon this matter, he impressed us in terms that left no doubt in my mind that as a community he and the Congress were not prepared to recognise us, and that the Lahore Resolution of the Congress indicated, almost at the behest of the Mahatma, that it was only possible to recognise two communities, the Muhammadans and the Sikhs, and that that was on traditional and historical grounds. Possibly it might be impertinence on my part to claim the same grounds for the recognition of my community. But I do ask the Mahatma to make it abundantly clear here before this meeting, before this committee is appointed, and before you, Sir, ask for an adjournment, that he will include in this committee representatives of those communities which have already received recognition on this committee.

Rao Bahadur Pannir Selvam (Indian Christians): The statement made by Dr. Ambedkar is news to me. I was not aware until now that the Mahatma was not granting us any recognition. If that be so, I submit that our position here will be absolutely unnecessary. Since no recognition as a community in the political future is given to us, I am really unable to see what purpose will be served by our taking part in any committee that might subsequently be formed. I feel that I ought to put forward my case exactly in the same terms as Dr. Ambedkar and Sir Henry Gidney have stated theirs.

Dr. Moonje: I did not attach much importance or so much seriousness to the fact when I read in the papers that only two communities are to be recognised by Mahatma Gandhi in the Minorities Committee. I thought that perhaps it might be a kind of move to facilitate conciliation and understanding, and to smooth over difficulties, but I find from Dr. Ambedkar's speech, and from Sir Henry Gidney's speech, that they have taken the matter most seriously. Therefore, I should like to say, and bring it to the notice of the Committee, that even the Hindus in the Provinces of Punjab and Bengal are minorities, and have, therefore, to look after their own interests also. With this little explanation, I have no objection to the proposal of adjourning

for considering this question.

Sir Muhammad Shafi: I am afraid there is some misapprehension in the minds of some of my friends about the proposal which has been put forward by Mahatma Gandhi. As I understand that proposal, Mahatma Gandhi does not ask for the appointment of a Sub-Committee of this Committee, nor does he ask for the appointment of a committee in the ordinary sense of the term. What is intended is this, that each group constituting the whole of this Committee, including of course the Depressed Classes and the Anglo-Indian community, might select a few representatives, one or two or three from each group, who should meet together and consider, after an exchange of ideas, whether some settlement satisfactory to all cannot be arrived at and thus lighten the burden which rests upon the shoulders of the Minorities Committee as a whole. If that consummation can be arrived at, I am sure every sincere well-wisher of India's peaceful progress ought to be glad to contribute to the bringing about of that consummation. I am afraid the objection made by my friend Dr. Ambedkar is merely the result of a misapprehension as to the nature of the proposal made by Mahatma Gandhi and seconded by His Highness The Aga Khan. If after this explanation which I have ventured to submit, a unanimous decision can be arrived at in favour of the adjournment of this Committee for a week in order to enable us all to meet in a friendly spirit, in a spirit of co-operation, as sincere well-wishers for peaceful progress in our common motherland, I shall be very glad.

Mrs. Naidu: Mr. Prime Minister, as I do not represent either a minority or a special interest I am completely disinterested in the appeal I am going to make to the minorities and special interests not to raise difficulties and not to cross their bridges before they come to them. It is only in fulfilment of the appeal, Sir, which you made to us the other day, which coincide with our own sense of self-respect, with our own sense of duty in settling a domestic matter entirely without outside arbitration or intervention, that I want to make an appeal that we should settle our domestic quarrels, if there are any, and announce to you a reconciliation, if there must be a reconciliation, but at any rate a harmonious result, and I think that is the reason why Mahatma Gandhi has made this motion for an adjournment. I do not think that any single minority, however small, need have any apprehension. Every minority is as much a part of the nation as every majority, and I, for one, pledge myself to follow the exhortation given to me by one of the greatest statesmen in Europe, whose boast is that he built up an independent nation without an army and without money. He said to me two years ago: "Madame, keep your minorities happy; you cannot build a nation without giving a sense of security to your minorities;" and it is because we want to give this sense of security to the minorities and make them feel that they are an integral part of the nation that a majority community, speaking through the mouth of Mahatma Gandhi, and, if I may

say so, also a minority community, speaking through the mouth of His Highness The Aga Khan, are making an appeal that we shall not bring our small domestic quarrels before those who are not concerned primarily with them, but that we shall settle them ourselves, with equity, magnanimity and a sense of chivalry which is justice, and a sense of self-respect which does not permit outsiders to know of the differences within our own house.

That is my appeal, Prime Minister, and I hope it will be accepted by all the minorities and majorities present.

Dr. Ambedkar: I should like to make my position further clear. It seems, that there has been a certain misunderstanding regarding what I said. It is not that I object to adjournment; it is not that I object to serving on any committee that might be appointed to consider the question. What I would like to know before I enter upon this committee, if they give me the privilege of serving on it, is : What is the thing that this committee is going to consider ? Is it only going to consider the question of the Muhammadans *vis-a-vis* the Hindus ? Is it going to consider the question of the Muhammadans *vis-a-vis* the Sikhs in the Punjab ? Or is it going to consider the question of the Sikhs *vis-a-vis* the Hindus ? Is it going to consider the question of the Christians, the Anglo-Indians and the Depressed Classes ?

If we understand perfectly well before we start that this committee will not merely concern itself with the question of the Hindus and the Muhammadans, of the Hindus and the Sikhs, but will also take upon itself the responsibility of considering the Depressed Classes, the Anglo-Indians and the Christians, I am perfectly willing to allow this adjournment resolution to be passed without my protest. But I do want to say this, that if I am to be left out in the cold, and if this interval is going to be utilised for the purpose of solving the Hindu-Muslim question and the Hindu-Sikh question, I would press that this committee should at once grapple with the question and consider it, rather than allow both positions to be taken hold of by somebody else.

Mr. Gandhi : Prime Minister and friends, I see that there is some kind of misunderstanding with reference to the scope of the work that some of us have set before ourselves. I fear that Dr. Ambedkar, Colonel Gidney and other friends are unnecessarily nervous about what is going to happen. Who am I to deny political status to any single interest or class or even individual in India ? As a representative of the Congress, I should be unworthy of the trust that has been reposed in me by the Congress if I were guilty of sacrificing a single national interest. I have undoubtedly given expression to my own views on these points. I must confess that I hold to those views also. But there are ways and ways of guaranteeing protection to every single interest. It will be for those of us who will be putting our heads together to try to evolve a scheme. Nobody would be hampered in pressing his own views on the members of this very informal conference or meeting. We need not call it a committee. I have no authority to convene any committee or

to bring into being a committee. I can only act as a humble messenger of peace, try to get together representatives of different interests and groups, and see whether by being closeted in one room and by heart-to-heart conversation, we may not be able to remove cobwebs of misunderstanding and see our way clear to the goal that lies so hazily before us today.

I do not think, therefore, that anybody need be afraid as to being able to express his opinion or carrying his opinion also. Mine will be there equal to that of everyone of us; it will carry no greater weight; I have no authority behind me to carry my opinion against the opinion of anybody. I have simply given expression to my views in the national interest, and I shall give expression to these views whenever they are opportune. It will be for you, it is for you to reject or accept those opinions. Therefore please disabuse your minds, everyone of us, of the idea that there is going to be any steam-rolling in the Conference and the informal meetings that I have adumbrated. But if you think that this is one way of coming closer together than by sitting stiffly at this table, you will not only carry this adjournment motion, but give your wholehearted co-operation to the proposal that I have made in connection with these informal meetings.

Sir Hubert Carr: Mr. Prime Minister, my community has not been mentioned. It is a very small one; but I would like to say that we welcome an adjournment or any other means which will assist a solution of this question which we recognise must precede the final consideration of other questions in which we are all vitally interested.

Dr. Datta: May I say I welcome this adjournment?

Chairman: Then I shall proceed to put it. I put it on the clear understanding, my friends, that the time is not going to be wasted, and that these conferences—as Mr. Gandhi has said, informal conferences, but nevertheless I hope very valuable and fruitful conferences—will take place between now and our next meeting. I hope you will all pledge yourselves to use the time in that way.

Ninth Sitting—8th October 1931

**Chairman:* When we met last Thursday, by common consent we adjourned for a week in order to enable informal and unofficial consultations to take place, with a view of coming to an agreement. Perhaps our first business is to receive a report from those who conducted the negotiations. May I ask Mr. Gandhi to speak first?

Mr. Gandhi: Prime Minister and friends, it is with deep sorrow and deeper humiliation that I have to announce utter failure on my part to secure an agreed solution of the communal question through informal

*Proceedings of the Federal Structure Committee and Minorities Committee, Vol. I, pp. 1356-58.

conversations among and with the representatives of different groups I apologise to you, Mr. Prime Minister, and the other colleagues for the waste of a precious week. My only consolation lies in the fact that when I accepted the burden of carrying on these talks I knew that there was not much hope of success, and still more in the fact that I am not aware of having spared any effort to reach a solution.

But to say that the conversations have to our utter shame failed is not to say the whole truth. Causes of failure were inherent in the composition of the Indian Delegation. We are almost all not elected representatives of the parties or groups whom we are presumed to represent; we are here by nomination of the Government. Nor are those whose presence was absolutely necessary for an agreed solution to be found here. Further, you will allow me to say that this was hardly the time to summon the Minorities Committee. It lacks the sense of reality in that we do not know what it is that we are going to get. If we knew in a definite manner that we were going to get the thing we want, we should hesitate fifty times before we threw it away in a sinful wrangle, as it would be if we are told that the getting of it would depend upon the ability of the present Delegation to produce an agreed solution of the communal tangle. The solution can be the crown of the Swaraj constitution, not its foundation—if only because our differences have hardened, if they have not arisen, by reason of the foreign domination. I have not a shadow of a doubt that the iceberg of communal differences will melt under the warmth of the sun of freedom.

T, therefore, venture to suggest that the Minorities Committee be adjourned *sine die* and that the fundamentals of the constitution be hammered into shape as quickly as may be. Meanwhile, the informal work of discovering a true solution of the communal problem will and must continue; only it must not baulk or be allowed to block the progress of constitution-building. Attention must be diverted from it and concentrated on the main part of the structure.

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Lastly, inasmuch as the only reason for my appearance at these deliberations is that I represent the Indian National Congress, I must clearly set forth its position. In spite of appearances to the contrary, especially in England, the Congress claims to represent the whole nation, and most decidedly the dumb millions, among whom are included the numberless Untouchables, who are more suppressed than depressed, as also in a way the more unfortunate and neglected classes known as Backward Races.

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It seems to have been represented that I am opposed to any representation of the Untouchables on the Legislature. This is a travesty of the truth. What I have said, and what I must repeat, is that I am opposed to their special representation. I am convinced that it can do them no good, and may do much harm; but the Congress is wedded to adult franchise. Therefore millions of them can be placed on the Voters' Roll. It is impossible to conceive that,

with untouchability fast disappearing, nominees of these voters can be boycotted by the others ; but what these people need more than election to the Legislatures is protection from social and religious persecution. Custom, which is often more powerful than law, has brought them to a degradation of which every thinking Hindu has need to feel ashamed and to do penance. I should, therefore, have the most drastic legislation rendering criminal all the special persecution to which these fellow-countrymen of mine are subjected by the so-called superior classes. Thank God, the conscience of Hindus has been stirred, and untouchability will soon be a relic of our sinful past.

Dr. Ambedkar: Mr. Prime Minister, last night when we parted at the conclusion of the meeting of the informal Committee we parted although with a sense of failure, at least with one common understanding, and that was that when we met here today none of us should make any speech or any comment that would cause exasperation. I am sorry to see that Mr. Gandhi should have been guilty of a breach of this understanding. Excuse me, I must have the opportunity to speak. He started by giving what were, according to him, the causes' of the failure of the informal Committee. Now, I have my own cause which I think were responsible for the failure of the informal Committee to reach an agreement, but I do not propose to discuss them now. What disturbs me after hearing Mr. Gandhi is that instead of confining himself to his proposition, namely, that the Minorities Committee should adjourn *sine die*, he started casting certain reflections upon the representatives of the different communities who are sitting round this table. He said that the Delegates were nominees of the Government, and that they did not represent the views of their respective communities for whom they stood. We cannot deny the allegation that we are nominees of the Government, but, speaking for myself, I have not the slightest doubt that even if the Depressed Classes of India were given the chance of electing their representatives to this Conference, I would, all the same, find a place here. I say therefore that, whether I am a nominee or not, I fully represent the claims of my community. Let no man be under any mistaken impression as regards that.

The Mahatma has been always claiming that the Congress stands for the Depressed Classes, and that the Congress represents the Depressed Classes more than I or my colleague can do. To that claim I can only say that it is one of the many false claims which irresponsible people keep on making, although the persons concerned with regard to those claims have been invariably denying them.

I have here a telegram which I have just received from a place which I have never visited and from a man whom I have never seen from the President of the Depressed Classes Union, Kumaun, Almora, which I believe is in the United Provinces, and which contains the following resolution :

“This Meeting declares its no-confidence in the Congress movement

which has been carried on in and outside the country, and condemns the methods adopted by the Congress workers.”

I do not care to read further, but I can say this (and I think if Mr. Gandhi will examine his position he will find out the truth), that although there may be people in the Congress who may be showing sympathy towards the Depressed Classes, the Depressed Classes are not in the Congress. That is a proposition which I propose to substantiate. I do not wish to enter into these points of controversy. They seem to be somewhat outside the main proposition. The main proposition which Mr. Gandhi has made is that this Committee should be adjourned *sine die*. With regard to that proposition, I entirely agree with the attitude taken up by Sir Muhammad Shafi. I, for one, cannot consent to this proposition. It seems to me that there are only two alternatives—either that this Minorities Committee should go on tackling the problem and trying to arrive at some satisfactory solution, if that is possible, and then, if that is not possible, the British Government should undertake the solution of that problem. We cannot consent to leave this to the arbitration of third parties whose sense of responsibility may not be the same as must be the sense of responsibility of the British Government.

Prime Minister, permit me to make one thing clear. The Depressed Classes are not anxious, they are not clamorous, they have not started any movement for claiming that there shall be an immediate transfer of power from the British to the Indian people. They have their particular grievances against the British people and I think I have voiced them sufficiently to make it clear that we feel those grievances most genuinely. But, to be true to facts, the position is that the Depressed Classes are not clamouring for transfer of political power. Their position, to put it plainly, is that we are not anxious for the transfer of power; but if the British Government is unable to resist the forces that have been set up in the country which do clamour for transference of political power—and we know the Depressed Classes in their present circumstances are not in a position to resist that—then our submission is that if you make that transfer, that transfer will be accompanied by such conditions and by such provisions that the power shall not fall into the hands of a clique, into the hands of an oligarchy, or into the hands of a group of people, whether Muhammadans or Hindus; but that that solution shall be such that the power shall be shared by all communities in their respective proportions. Taking that view, I do not see how I, for one, can take any serious part in the deliberations of the Federal Structure Committee unless I know where I and my community stand.

Mr. Gandhi: One word more as to the so-called Untouchables.

I can understand the claims advanced by other minorities, but the claims advanced on behalf of the Untouchables, that to me is the “unkindest cut of all”. It means the perpetual bar-sinister. I would not seal the vital interests of the Untouchables even for the sake of winning the freedom of India.

IN THE MINORITIES COMMITTEE

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I claim myself in my own person to represent the vast mass of the Untouchables. Here I speak not merely on behalf of the Congress, but I speak on my own behalf, and I claim that I would get, if there was a referendum of the Untouchables, their vote, and that I would top the poll. And I would work from one end of India to the other to tell the Untouchables that separate electorates and separate reservation is not the way to remove this bar-sinister, which is the shame, not of them but of orthodox Hinduism.

Let this Committee and let the whole world know that today there is a body of Hindu reformers who are pledged to remove this blot of untouchability. We do not want on our register and on our census Untouchables classified as separate class. Sikhs may remain as such in perpetuity, so may Muhammadans, so may Europeans. Will Untouchables remain Untouchables in perpetuity? I would fear rather that Hinduism died than that untouchability lived. Therefore, with all my regard for Dr. Ambedkar, and for his desire to see the Untouchables uplifted, with all my regard for his ability, I must say in all humility that here the great wrong under which he has laboured and perhaps the bitter experiences that he has undergone have for the moment warped his judgment. It hurts me to have to say this, but I would be untrue to the cause of the Untouchables, which is as dear to me as life itself, if I did not say it. I will not bargain away their rights for the kingdom of the whole world. I am speaking with a due sense of responsibility, and I say that it is not a proper claim which is registered by Dr. Ambedkar when he seeks to speak for the whole of the Untouchables of India. It will create a division in Hinduism which I cannot possibly look forward to with any satisfaction whatsoever. I do not mind Untouchables, if they so desire, being converted to Islam or Christianity. I should tolerate that, but I cannot possibly tolerate what is in store for Hinduism if there are two divisions set forth in the villages. Those who speak of the political rights of Untouchables do not know their India, do not know how Indian society is today constructed, and therefore I want to say with all the emphasis that I can command that if I was the only person to resist this thing I would resist it with my life.

APPENDIX I

**A SCHEME OF POLITICAL SAFEGUARDS FOR THE
PROTECTION OF THE DEPRESSED CLASSES IN THE
FUTURE CONSTITUTION OF A SELF-GOVERNING INDIA**

† Appendix to Report of Sub-Committee No. III (Minorities)

(Submitted by Dr. Bhimrao R. Ambedkar and Rao Bahadur R. Srinivasan)

The following are the terms and conditions on which the Depressed Classes will consent to place themselves under a majority rule in a self-governing India :

Condition No. I

EQUAL CITIZENSHIP

The Depressed Classes cannot consent to subject themselves to majority rule in their present state of hereditary bondsmen. Before majority rule is established their emancipation from the system of untouchability must be an accomplished fact. It must not be left to the will of the majority. The Depressed Classes must be made free citizens entitled to all the rights of citizenship in common with other citizens of the State.

(A) To secure the abolition of untouchability and to create the equality of citizenship, it is proposed that the following fundamental right shall be made part of the constitution of India :

Fundamental Right

“All subjects of the State in India are equal below the law and possess equal civic rights. Any existing enactment, regulation, order, custom or interpretation of law by which any penalty, disadvantage, disability is imposed upon or any discrimination is made against any subject of the State on account of untouchability shall, as from the day on which this Constitution comes into operation, cease to have any effect in India.”

(B) To abolish the immunities and exemptions now enjoyed by executive officers by virtue of sections 110 and 111 of the Government of India Act, 1919 and their liability for executive action be made co-extensive with what it is in the case of a European British Subject.

This is so in all Constitutions, see Prof. Keith's remarks in Cmd. 207, p. 56.

Condition No. II

FREE ENJOYMENT OF EQUAL RIGHTS

It is no use for the Depressed Classes to have a declaration of equal rights. There can be no doubt that the Depressed Classes will have to face the whole force of orthodox society, if they try to exercise the equal rights of citizenship. The Depressed Classes therefore feel that if these

† Proceedings of the Sub-Committee No. III (Minorities), pp. 168-76.

face the whole force of orthodox society if they try to exercise the equal rights of citizenship. The Depressed Classes therefore feel that if these declarations of rights are not to be mere pious pronouncements but are to be realities of everyday life then they should be protected by adequate pains and penalties from interference in the enjoyment of these declared rights.

(A) The Depressed Classes therefore propose that the following section should be added to Part XI of the Government of India Act, 1919, dealing with Offences, Procedure and Penalties :

(i) *Offence of Infringement of Citizenship*

“Whoever denies to any person except for reasons by law applicable to persons of all classes and regardless of any previous condition of untouchability the full enjoyment of any of the accommodations, advantages, facilities, privileges of inns, educational institutions, roads, paths, streets, tanks, wells and other watering places, public conveyances on land, air or water, theatres or other places of public amusement, resort or convenience whether they are dedicated to or maintained or licensed for the use of the public shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.”

**U. S. Statutes at large.
Civil Rights Protection
Acts of April 9, 1866
and of March 1, 1875
passed in the interest
of the Negroes after
their emancipation.**

(B) Obstruction by orthodox individuals is not the only menace to the Depressed Classes in the way of peaceful enjoyment of their rights. The commonest form of obstruction is the social boycott. It is the most formidable weapon in the hands of the orthodox classes with which they beat down any attempt on the part of the Depressed Classes to undertake any activity if it happens to be unpalatable to them. The way it works and the occasions on which it is brought into operation are well described in the Report of the Committee appointed by the Government of Bombay in 1928 ‘to enquire into the educational, economic and social condition of the Depressed Classes (untouchables) and of the Aboriginal Tribes in the Presidency and to recommend measures for their uplift’. The following is an extract from the same :

Depressed Classes and Social Boycott

“102. Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes. It must be noted that the Depressed Classes form a small minority in every village, opposed to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Depressed Classes at any cost. The danger of prosecution by the Police has put a limitation upon the use of violence by the orthodox classes and consequently such cases are rare.

“The second difficulty arises from the economic position in which the Depressed Classes are found today. The Depressed Classes have no economic independence in most parts of the Presidency. Some cultivate the lands of the orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when the latter have dared to exercise their rights, and have evicted them from their land, and stopped their employment and discontinued their remuneration as village servants. This boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of sale of the necessities of life by the village Bania. According to the evidence sometimes small cause suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to the use of the common well, but cases have been by no means rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with the bridegroom on the horse through the public street.

“We do not know of any weapon more effective than this social boycott which could have been invented for the suppression of the Depressed Classes. The method of open violence pales away before it, for it has the most far-reaching and deadening effects. It is the most dangerous because it passes as a lawful method consistent with the theory of freedom of contact. We agree that this tyranny of the majority must be put down with a firm hand if we are to guarantee the Depressed Classes the freedom of speech and action necessary for their uplift.”

In the opinion of the Depressed Classes the only way to overcome this kind of menace to their rights and liberties is to make social boycott an offence punishable by law. They are therefore bound to insist that the following sections should be added to those included in Part XI of the Government of India Act, 1919, dealing with Offences, Procedure and Penalties :

I. OFFENCE OF BOYCOTT DEFINED

(i) A person shall be deemed to boycott another who—

This and the following legal provisions are bodily taken from Burma Anti-Boycott Act, 1922, with a few changes to suit the necessities of the case.

(a) refuses to let or use or occupy any house or land, or to deal with, work for hire, or do business with another person, or to render to him or receive for him any service, or refuses to do any of the said things on the terms on which such things should commonly be done in the ordinary course of business, or

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- (b) abstains from such social, professional or business relations as he would, having regard to such existing customs in the Community which are not inconsistent with any fundamental right or other rights of citizenship declared in the Constitution, ordinarily maintain with such person, or
- (c) in any way injures, annoys or interferes with such other person in the exercise of his lawful rights.

II. PUNISHMENT FOR BOYCOTTING

Whoever, in consequence of any person having done an act which he was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do or with intent to cause any person to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do, or with intent to cause harm to such person in body, mind, reputation or property, or in his business or means of living, boycotts such person or any person in whom such person is interested, shall be punished with imprisonment of either description for a term which may extend to seven years or with fine or with both :

Provided that no offence shall be deemed to have been committed under this section if the Court is satisfied that the accused person has not acted at the instigation of or in collusion with any other person or in pursuance of or in collusion with any other person or in pursuance of any conspiracy or of any agreement or combination to boycott.

III. PUNISHMENT FOR INSTIGATING OR PROMOTING A BOYCOTT

Whoever—

- (a) publicly makes or publishes or circulates a proposal for, or
- (b) makes, publishes or circulates any statement, rumour or report with intent to, or which he has reason to believe to be likely to, cause, or
- (c) in any other way instigates or promotes the boycotting of any person or class of persons, shall be punished with imprisonment which may extend to five years or with fine or with both.

Explanation.—An offence under this section shall be deemed to have been committed although the person affected or likely to be affected by any action of the nature referred to herein is not designated by name or class but only by his acting or abstaining from acting in some specified manner.

IV. PUNISHMENT FOR THREATENING A BOYCOTT

Whoever, in consequence of any person having done any act which he was legally entitled to do or of his having omitted to do an act which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, threatens to cause such person or any person in whom such person is interested, to be boycotted shall be punished with imprisonment of either description for a term which may extend to five years or with fine or with both.

Exception.—It is not boycott—

- (i) to do any act in furtherance of a *bona fide* labour dispute,
- (ii) to do any act in the ordinary course of business competition.

N.B.—All these offences shall be deemed to be cognizable offences.

Condition No. III

PROTECTION AGAINST DISCRIMINATION

The Depressed Classes entertain grave fears of discrimination either by legislation or by executive order being made in the future. They cannot therefore consent to subject themselves to majority rule unless it is rendered impossible in law for the legislature or the executive to make any invidious discrimination against the Depressed Classes.

It is therefore proposed that the following Statutory provision be made in the constitutional law of India :

“It shall not be competent for any Legislature or Executive in India to pass a law or issue an order, rule or regulation so as to violate the rights of the subjects of the State, regardless of any previous condition of untouchability, in all territories subject to the jurisdiction of the dominion of India,—

- (1) to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property,
- (2) to be eligible for entry into the civil and military employ and to all educational institutions except for such conditions and limitations as may be necessary to provide for the due and adequate representation of all classes of the subjects of the State,
- (3) to be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, educational institutions, privileges of inns, rivers, streams, wells, tanks, roads, paths, streets, public conveyances on land, air and water, theatres, and other places of public resort or amusement except for such conditions and limitations applicable alike to all subjects of every race, class, caste, colour or creed,
- (4) to be deemed fit for and capable of sharing without distinction the benefits of any religious or charitable trust dedicated to or created, maintained or licensed for the general public or for persons of the same faith and religion,
- (5) to claim full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by other subjects regardless of any previous condition of untouchability and be subject to like punishment, pains and penalties and to none other.”

Condition No. IV

ADEQUATE REPRESENTATION IN THE LEGISLATURES

The Depressed Classes must be given sufficient political power to influence legislative and executive action for the purpose of securing their welfare. In view of this they demand that the following provisions shall

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be made in the electoral law so as to give them—

- (1) Right to adequate representation in the Legislatures of the Country, Provincial and Central.
- (2) Right to elect their own men as their representatives, (a) by adult suffrage, and (b) by separate electorates for the first ten years and thereafter by joint electorates and reserved seats, it being understood that joint electorates shall not be forced upon the Depressed Classes against their will unless such joint electorates are accompanied by adult suffrage.

N.B.—Adequate Representation for the Depressed Classes cannot be defined in quantitative terms until the extent of representation allowed to other communities is known. But it must be understood that the Depressed Classes will not consent to the representation of any other community being settled on better terms than those allowed to them. They will not agree to being placed at a disadvantage in this matter. In any case the Depressed Classes of Bombay and Madras must have weightage over their population ratio of representation irrespective of the extent of representation allowed to other minorities in the Provinces.

Condition No. V

ADEQUATE REPRESENTATION IN THE SERVICES

The Depressed Classes have suffered enormously at the hands of the high caste officers who have monopolized the Public Services by abusing the Law or by misusing the discretion vested in them in administering it to the prejudice of the Depressed Classes and to the advantage of the caste Hindus without any regard to justice, equity or good conscience. This mischief can only be avoided by destroying the monopoly of caste Hindus in the Public Services and by regulating the recruitment to them in such a manner that all communities including the Depressed Classes will have an adequate share in them. For this purpose the Depressed Classes have to make the following proposals for statutory enactment as part of the constitutional law :—

- (1) There shall be established in India and in each Province in India a Public Service Commission to undertake the recruitment and control of the Public Services.
- (2) No member of the Public Service Commission shall be removed except by a resolution passed by the Legislature nor shall he be appointed to any office under the Crown after his retirement.
- (3) It shall be the duty of the Public Service Commission subject to the tests of efficiency as may be prescribed—(a) to recruit the Services in such a manner as will secure due and adequate representation of all communities, and (b) to regulate from time to time priority in employment in accordance with the existing extent of the representation of the various communities in any particular service concerned.

Condition No. VI**REDRESS AGAINST PREJUDICIAL ACTION OR NEGLECT OF INTERESTS**

In view of the fact that the Majority Rule of the future will be the rule of the orthodox, the Depressed Classes fear that such a Majority Rule will not be sympathetic to them and that the probability of prejudice to their interests and neglect of their vital needs cannot be over-looked. It must be provided against, particularly because, however adequately represented, the Depressed Classes will be in a minority in all legislatures. The Depressed Classes think it very necessary that they should have the means of redress given to them in the constitution. It is therefore proposed that the following provision should be made in the constitution of India :—

“In and for each Province and in and for India it shall be the duty and obligation of the Legislature and the Executive or any other Authority established by law to make adequate provision for the education, sanitation, recruitment in Public Services and other matters of social and political advancement of the Depressed Classes and to do nothing that will prejudicially affect them.

**British North
America Act,
1867, sec. 93.**

“(2) Where in any Province or in India the provisions of this section are violated an appeal shall lie to the Governor-General in Council from any act or decision of any Provincial Authority and to the Secretary of State from any act or decision of a Central Authority affecting the matter.

“(3) In every such case where it appears to the Governor-General in Council or to the Secretary of State the Provincial Authority or Central Authority does not take steps requisite for the due execution of the provisions of this section then and in every such case, and as far only as the circumstances of each case require, the Governor-General in Council or the Secretary of State acting as an appellate authority may prescribe, for such period as they may deem fit, remedial measures for the due execution of the provisions of this section and of any of its decisions under this section and which shall be binding upon the authority appealed against.”

Condition No. VII**SPECIAL DEPARTMENTAL CARE**

The helpless, hapless and sapless condition of the Depressed Classes must be entirely attributed to the dogged and determined opposition of the whole mass of the orthodox population which will not allow the Depressed Classes to have equality of status or equality of treatment. It is not enough to say of their economic condition that they are poverty-stricken or that they are a class of landless labourers, although both these statements are statements of fact. It has to be noted that the poverty of the Depressed Classes is due largely to the social prejudices in consequence of which many an occupation for earning a living is closed to them. This is a fact which differentiates the position of the Depressed Classes from that of the ordinary caste labourer and is often a source of trouble between the two. It has also to be borne in mind that the forms of tyranny and oppression practised against the

Depressed Classes are very various and the capacity of the Depressed Classes to protect themselves is extremely limited. The facts which obtain in this connection and which are of common occurrence throughout India are well described in the Abstracts of Proceedings of the Board of Revenue of the Government of Madras dated 5th November 1882, No. 723, from which the following is an extract:

“134. There are forms of oppression only hitherto hinted at which must be at least cursorily mentioned. To punish disobedience of Pariahs, their masters—

- (a) Bring false cases in the village court or in the criminal courts.
- (b) Obtain, on application, from Government, waste lands lying all round the paracheri, so as to impound the Pariahs' cattle or obstruct the way to their temple.
- (c) Have mirasi names fraudulently entered in the Government account against the paracheri.
- (d) Pull down the huts and destroy the growth in the back-yards.
- (e) Deny occupancy right in immemorial sub-tenancies.
- (f) Forcibly cut the Pariahs' crops, and on being resisted charge them with theft and rioting.
- (g) Under misrepresentations, get them to execute documents by which they are afterwards ruined.
- (h) Cut off the flow of water from their fields.
- (i) Without legal notice, have the property of sub-tenants attached for the landlords' arrears of revenue.

“135. It will be said there are civil and criminal courts for the redress of any of these injuries. There are the courts indeed ; but India does not breed village Hampdens. One must have courage to go to the courts ; money to employ legal knowledge, and meet legal expenses ; and means to live during the case and the appeals. Further most cases depend upon the decision of the first court; and these courts are presided over by officials who are sometimes corrupt and who generally, for other reasons, sympathize with the wealthy and landed classes to which they belong.

“136. The influence of these classes with the official world can hardly be exaggerated. It is extreme with natives and great even with Europeans. Every office, from the highest to the lowest, is stocked with their representatives, and there is no proposal affecting their interests but they can bring a score of influence to bear upon it in its course from inception to execution.”

There can be no doubt that in view of these circumstances the uplift of the Depressed Classes will remain a pious hope unless the task is placed in the forefront of all governmental activities and unless equalization of opportunities is realized in practice by a definite policy and determined effort on the part of the Government. To secure this end the proposal of the Depressed Classes is that the Constitutional Law should impose upon the

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Government of India a statutory obligation to maintain at all times a department to deal with their problems by the addition of a section in the Government of India Act to the following effect :—

- “1. Simultaneously with the introduction of this Constitution and as part thereof there shall be created in the Government of India a Department to be in-charge of a Minister for the purpose of watching the interests of the Depressed Classes and promoting their welfare.
- “2. The Minister shall hold office so long as he retains the confidence of the Central Legislature.
- “3. It shall be the duty of the Minister in the exercise of any powers and duties conferred upon him or transferred to him by law, to take all such steps as may be desirable to secure the preparation, effectively carrying out and co-ordination of measures preventative of acts of social injustice, tyranny or oppression against the Depressed Classes and conducive to their welfare throughout India.
- “4. It shall be lawful for the Governor-General—
 - (a) to transfer to the Minister all or any powers or duties in respect of the welfare of the Depressed Classes arising from any enactment relating to education, sanitation, etc.,
 - (b) to appoint Depressed Classes welfare bureaux in each province to work under the authority of and in co-operation with the Minister.”

Condition No. VIII**DEPRESSED CLASSES AND THE CABINET**

Just as it is necessary that the Depressed Classes should have the power to influence governmental action by seats in the Legislature so also it is desirable that the Depressed Classes should have the opportunity to frame the general policy of the Government. This they can do only if they can find a seat in the Cabinet. The Depressed Classes therefore claim that in common with other minorities, their moral rights to be represented in the Cabinet should be recognized. With this purpose in view the Depressed Classess propose :

That in the Instrument of Instructions an obligation shall be placed upon the Governor and the Governor-General to endeavour to secure the representation of the Depressed Classes in his Cabinet.

APPENDIX II**REPORT OF SUB-COMMITTEE No. III (MINORITIES)**

These are some of the paragraphs of the Report related to the interests of Depressed Classes which have been approved by the Committee of Whole Conference on 19th January 1931

3. One of the Chief proposals brought before the Sub-Committee was the inclusion in the constitution of a declaration of fundamental rights safe-

guarding the cultural and religious life of the various communities and securing to every individual without discrimination as to race, caste, creed or sex, the free exercise of economic, social and civil rights (Dr. Ambedkar called attention to the necessity of including in the constitution sanctions for the enforcement of the fundamental rights, including a right of redress when they are violated).

4. Whilst it was generally admitted that a system of joint free electorates was in the abstract consistent with democratic principles as generally understood, and would be acceptable to the Depressed Classes after a short transitional period, provided the franchise was based on adult suffrage, the opinion was expressed that, in view of the distribution of the communities in India and of their unequal economic, social and political effectiveness, there was a real danger that under such a system the representation secured by minorities would be totally inadequate, and that this system would therefore give no communal security.

5. Claims were therefore advanced by various communities that arrangements should be made for representation and for fixed proportions of seats. It was also urged that the number of seats reserved for a minority community should in no case be less than its proportion in the population. The methods by which this could be secured were mainly three (1) nomination, (2) joint electorates with reservation of seats, and (3) separate electorates.

8. The discussion made it evident that the demand which remained as the only one which would be generally acceptable was separate electorates. The general objection to this scheme has been subject to much previous discussion in India. It involves what is very difficult problem for solution, viz. what should be the amount of communal representation in the various Provinces and in the Centre ; that, if the whole, or practically the whole, of the seats in a legislature are to be assigned to communities, there will be no room for the growth of independent political opinion or of true political parties, and this problem received a serious complication by the demand of the representatives of the Depressed Classes that they should be deducted from the Hindu population and be regarded, for electoral purposes, as a separate community.

12. There was general agreement with the recommendation of Sub-Committee No. II (Provincial Constitution) that the representation on the Provincial Executives of important minority communities was a matter of the greatest practical importance for the successful working of the new constitution, and it was also agreed that on the same grounds Muhammadans should be represented on the Federal Executive (Dr. Ambedkar would add the words, "and other important minorities" after the word "Muhammadans"). On behalf of smaller minorities, a claim was put forward for their representation, either individually or collectively, on the Provincial and Federal Executives, or that, if this should be found impossible in each

Cabinet, there should be a Minister specially charged with the duty of protecting minority interests.

13. As regards the administration, it was agreed that recruitment of both Provincial and Central Services should be entrusted to P. S. Cs., with instructions to recruit the claims of various communities to fair and adequate representation in the Public Services, whilst providing for the maintenance of a proper standard of efficiency.

16. It has also been made clear that the British Government cannot with any chance of agreement impose upon the communities an electoral principle which, in some feature or other, would be met by their opposition. It was therefore plain that, failing an agreement, separate electorates with all their drawbacks and difficulties, would have to be retained as the basis of the electoral arrangements under the new constitution. From this the question of proportions would arise. Under these circumstances, the claims of the Depressed Classes will have to be considered adequately.

18. The Minorities and Depressed Classes were definite in their assertion that they would not consent to any self-governing constitution for India unless their demands were met in a reasonable manner.

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IN SUB-COMMITTEE No. VI (FRANCHISE)

Second Sitting—22nd December 1930

†*Dr. Ambedkar*: It seems to me that there are only two important questions which this Round Table Conference is going to consider. One question is whether India should have responsible Government, and the second question is to what people that Government should be responsible.

In the Plenary sessions we all joined in one chorus in demanding that India should have a responsible form of Government, and I for one, speaking on behalf of the Depressed Classes in that Plenary session, joined with my friends sitting opposite in demanding responsible Government for India. When I did so, however, I was under the impression that the Indian people who came to represent their country at this Round Table Conference were not only united in making a demand for responsible Government for India, but were also united in the view as to whom that Government should be responsible.

I am sorry to say, Sir, that I have been deluded. I find now that although some of our people would desire me and others to join them in their demand for Dominion Status, they do not join with us in demanding that the Government which will be set up under that Dominion Status shall be responsible to the people of India as a whole. I never thought there would be this division of opinion, and that I should have to stand up to defend the position we take.

Now, Sir, speaking on behalf of the Depressed Classes I cannot honestly consent to responsible Government or to Dominion Status unless I can be sure that the people for whom I speak are to have a place in that constitution. I must make that fact plain to all my friends. As an objection has been raised to the proposal for adult suffrage by some of my friends, I propose to deal with the arguments brought forward against it.

One of the arguments brought forward was that we should follow the precedent laid down in this country, that adult suffrage should be reached

† Proceedings of the Sub-Committee No. VI (Franchise), Government of India, Central Publication Branch, Calcutta, 1931, pp. 28-35.

The terms of reference to this Sub-Committee were as under :—

“On what main principles is franchise to be based for men and women.”

by stages. It is suggested that we should follow the stages adopted in this country from 1832 to 1918. Those who take their stand on the political history of enfranchisement in this country seem to think that there was some philosophical course of action thought out by the English people in devising the steps that were taken by them in enfranchising the people from 1832 onwards, that they had decided before hand that they must enfranchise only a limited number of people in 1832 that otherwise it would be philosophically wrong ; that they should take the next step only in 1867, and not in 1866 ; that they should take the next step in 1884 and not in 1867. I do not know whether those who use that argument believe that there was any philosophic belief behind that fact. But I should like to point out to my friends, those who base their arguments upon this fact, that if you read the political history of England, you will find that not only was there no philosophical belief which determined the stages that were taken by the British people, but the question of franchise was treated in this country as a mere matter of party politics : that each party tried to extend the franchise because it thought that as a political catch-word it would influence and augment that party. Perhaps that will be news to my friend who used that argument, and, I must say, always uses it with satisfaction to himself, feeling that he is placing an insuperable obstacle in our path. We will be perhaps pleased to find that one of the great steps in the political enfranchisement of the people of England was taken by a Conservative Government in this country, and not by the Liberals or the Radicals.

The second thing I should like to point out to my friend is this. Does he really mean to tell us that because the franchise in this country was limited, that, therefore, the Government produced under that franchise was a good Government, a Government the object of which was the welfare of the people and the prosperity of the masses ? Is that the inference he wants to draw from that fact ? That because the franchise was limited, that, therefore, there was no trouble, and that everybody was satisfied in this country ? Surely that is not the case. If my friend will only take the trouble of reading the life of Lord Shaftesbury, and the social and political history of England, he will certainly find that the unreformed Parliament was not a blessing to anyone.

Thirdly, I should like to point out to my friend, if he really is serious and if he really believes what he says, that the people of India ought not be given adult suffrage, because they are not fit for it, that the only alternative for him is to go back to India and not to demand Dominion Status or responsible Government, for surely, if it is the view of the gentleman who puts forward this case that the Indian people are not fit to exercise the franchise, are not fit to take upon themselves the responsibilities of Government, then I do not understand in whose name he asks for responsible Government. Is it for this class ? Is it for himself ? For whom is it ? The only argument, as I understand

in favour of responsible Government and in favour of Dominion Status, is the assumption which must constitute the basis of any such argument, that the people of India are fit to undertake the responsibility of Government. If my friend does not believe that the Indian people are capable of exercising that responsibility, then the only conclusion is that the Indian people cannot have Dominion Status and cannot have responsibility.

The second argument that was brought forward was that, although adult suffrage may be an ideal, it cannot be brought into effect at the present moment, because we have not the machinery to give effect to it. Now I have great sympathy with that argument, but I should like to point out that there are considerations in opposition to that view. Let us understand what the franchise does really mean. Surely the franchise does not mean a mere matter of the ballot box, does not mean a mere matter of polling booths and the placing of polling officers there. The franchise means something more vital than that. Now, Sir, as I understand it, to me the suffrage and the franchise are nothing else but the right of self-defence; it means that you will create a legislature which will have the amplest power of passing laws which will affect the life, liberty and property of the people. Surely, if that is going to be the position, if your legislature is going to have that power of affecting your life in these most vital matters, then surely every individual who is going to be subject to that legislation ought to have the power to defend himself against laws which will probably in the circumstances invade his liberty, invade his life and his property. It is not a mere question of the ballot box ; it is not a mere question of polling booths.

May I put it in a different way ? If I understand the franchise, I understand it to be the right to regulate the terms of what one might call associated life in society; that is the essence of the franchise. When you give a man the franchise, what you mean is that you give him power to regulate the terms on which he will live in relationship with other individuals in society. Now, if that is the meaning of the suffrage, surely you cannot give the higher classes, the intellectuals as they are called, or the propertied classes, the power to regulate the terms of associated life, and leave the lower classes at their mercy. They, too, must have the power to regulate the terms of associated life. Just as the capitalist must have the power, if he is to have any constitution, to dictate how he shall live on terms of associated life with the labour, surely the labour is entitled also to have the power to regulate the terms on which he shall live with his capitalist master. It cannot be a one-sided bargain ; it must not be a onesided bargain. If you understand the franchise in the right sense of the word, then it seems to me the franchise is something which must be regarded as the inherent right of every individual in the State; and if you understand that the franchise is the inherent right of every man or woman who is capable of understanding it, then surely you cannot make an inherent right of a people dependent upon the convenience of your administration.

My friend used that argument, that we must not have adult suffrage because we shall not have polling booths and polling officers. I should like to remind him of what would be the situation if he were told that he had been wronged by an individual, that he had a good case which, if he brought it to the Court would certainly succeed, but that he could not be given redress because we had not sufficient judges in the High Court. How would he like that position? Surely, if the franchise is an inherent right, and if there are administrative difficulties in the effectuation of that franchise, then the remedy is not to curtail the franchise, but the remedy is to provide the necessary machinery, so that every man or woman capable of enjoying that franchise shall be in a position to give effect to it.

Sir, it seems to me that the difficulties of administering the franchise which have been placed before us arise from two different sources. We are told that the constituencies in India are very vast; and, surely, as 'we see from the Report of the Simon Commission, they are of a most fabulous character. It is said that if you increase the number of electors in the existing constituencies, as they exist today, the whole machinery will break down. My submission to this Conference is this : Surely this difficulty can easily be met. It seems to me this difficulty can be met in this way. It seems to me that the difficulty arises largely because of the composition and strength of your Legislative Councils today ; that composition is so very limited that you cannot help having the large constituencies that you have today. It seems to me that from the standpoint of numbers the existing strength of the legislatures in the Provinces is ridiculous. Let us have the figures for a moment before our mind's eye. I find on comparison that Madras, Bengal and the United Provinces have more or less the same population as France, Great Britain and Italy. The Madras Legislative Council consists of 132 members; the Bengal Legislative Council consists of 140 members ; the United Province Legislative Council consists of 123 members. On the other hand, France has a Lower Chamber which consists of 626 members ; Great Britain has somewhere over 600, and Italy has 560 members. Take, on the other hand, Bombay and the Punjab, which are more or less on a par in the matter of population. Bombay has 114 members ; the Punjab has 94. Bombay and the Punjab are more or less equal in population to Spain; if you take the Lower Chamber in Spain, you find it consists of 417 members. I know it is not in existence now, but that is another matter. It is a matter of constitution. In France it is in existence with a large number. Then take the Central Provinces in which the Legislative Council has 73 members. I find that the population of the Central Provinces is equal to that of Yugoslavia. Yugoslavia has 313 members. Assam has 53 members ; in population it is equal to Portugal, and Portugal has 146 members.

Now, surely if you are going to cramp these vast aggregations of people into Legislative Councils which do not exceed 140 in membership, you

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are bound, as a result, to have very large constituencies. Why are you afraid of increasing the numbers in the Legislature? I cannot understand it. If you are not afraid, and if you follow the parallels in other countries, then surely you can very easily reduce the size of the electorates, and thereby remove one of the difficulties that is said to exist in the matter of adult suffrage.

Then another difficulty which was pointed out was that it was said we should not have a sufficient number of polling officers. Now that difficulty to ray mind also does not seem to be of a very serious character. It seems to me that if all the college students in India could be drafted into the service of the electoral departments, this difficulty could be very easily solved. Some of my friends on the other side laugh at it, but I do not know why. I know, as a matter of fact, that in the census all college students, and school boys also, help the census department in carrying on the enumeration. If, for instance, the same system were adopted on the polling day, if all the college students were asked to help in this matter and I have not the slightest doubt that they would come to the rescue of the department, then surely we should have more polling officers than we need on the occasions of this sort.

It seems to me, therefore, that the difficulties of the situation are not insuperable. Let me point this out to my friends opposite who object to adult suffrage on this ground. It seems to me their position is of a somewhat curious character. Where a member of the British Delegation raises a difficulty, and says there are heaps of difficulties in the way of India, and, therefore, India must not have Dominion Status or responsible Government, the gentlemen sitting opposite would not allow the English gentlemen to take advantage of the difficulties; they would tell him at once: "Why, you bolster up difficulties to put down our claims. These are difficulties which surely can be met." Let me tell him that we on this side are also not prepared to allow you to take advantage of this difficulty. We say that if there are difficulties in the way of getting the power in our hands, those difficulties ought to be solved. We are not going to let you have the advantage of the situation.

Sir, so far I have dealt with the arguments which have been presented against adult suffrage. Now let me put one or two arguments which I think are in favour of adult suffrage, and which in my opinion, are more or less decisive. The first argument that I will put is this, that you cannot have in India any system of suffrage short of adult suffrage which will give equality of representation to all the castes and communities in India; there is no other system you can devise for India which will give that result. Take, for instance, the existence of constituencies. In Bengal and in the Punjab the Muhammadans form a majority of the population. You have in Sind also, as apart from Bombay, the Muhammadans in a majority. Now what is the state of the Muhammadan communities in these Provinces?

I am putting this as a feeler : My Muhammadan friends may take their stand apart from this : I am putting it as a case. What is the position of the Muhammadan communities in these Provinces under the system of franchise that we have today. The Muhammadans in Sind form something like 70 per cent of the population ; and yet, if I am not very much mistaken, their voting strength is only 49 per cent. Take, for instance, again Bengal and the Punjab; there again the Muhammadans pre-dominate in population, and yet in the voting list they are in the minority. Take again the Depressed Classes ; under the existing franchise they are nowhere at all in the electorate. I think it is a most disgraceful thing to have a franchise of this sort. You have to remember one thing : that Indian society is composed of so many castes and creeds and those castes and creeds are not related to each other in what one might call the vertical perpendicular, so that if you chop-off this mass at any particular point you get a part which is representative of all the communities in an equal degree. On the other hand, if I may put it so, they are related in such a manner that the parallel grains are, so to speak, placed horizontally one on the other, so that if you chop at any particular point you get a part which is representative of one single community only or at the most two, and the rest are not represented at all. Now surely you do not want to create a system of political Government in which only some castes and some communities will predominate. Surely you do not want to create in India a South Africa where only some people will have the vote and the rest will not. I say, if you are interested in giving every man a vote, in giving every man the political franchise, so that he may work out his destiny, then you cannot have any other system of franchise in India than that of adult suffrage.

Now, let me give you another example. As I say, I am not opposed to female suffrage, and I am very obliged to our lady colleague, Mrs. Subbarayan, for supporting us in this matter. I will go with her whole-heartedly. Let me point out one or two illustrations of what has been suggested by way of enlarging and broadening the franchise. It is suggested that there should be a franchise of literacy. I do not propose to call it a fancy franchise, but let me tell you what will be the effect of it. The effect of it would be this : that some communities would have their voting strength almost doubled, while other communities would stand where they are. Literacy in India is so unevenly distributed, that some communities would have all the increase of the franchise added to their stock, while other communities would remain where they are. Surely you do not want to create that sort of situation.

Therefore my submission is, that if this Conference and the members who are assembled round this table are true to their creed, believe that India must have responsible Government, and that Government must be responsible to the people, then I submit there is no alternative to adult suffrage.

Then, Sir, there is one more consideration that I would like to point

out, that seems to me to be a most decisive consideration in this matter. We all of us know that the question of joint versus separate electorate is a most thorny question ; it seems to me to be a very crucial question. May I point out to this Conference that, at least in my opinion, the question of joint versus separate electorates is inextricably bound up with the question of franchise. You will not ask any minority in India, you will not compel any minority in India, and you will not get the consent of any minority in India, to agree to joint electorates unless that minority has adult suffrage. I am not going to place myself under the thumb and authority of any majority Government, unless I am certain that I can exercise in the elections electoral power which is commensurate with my social power. Unless I know that every man and every woman in the Depressed Class community will be able to exercise the vote and to determine the destiny of the candidate who is going to represent the mass of people in the country, I certainly am not going to consent to joint electorates ; certainly not. I am not going to place myself in a minority position ; I am not going to allow the majority to select my candidate. No, under no circumstances. And I think what is true of my minority may also be true of the Muhammadans. I do not wish to say something that I shall have to say in another Committee, but the point is so relevant that I cannot help making a reference. You cannot in fairness ask the Muhammadans of Bengal or the Punjab to accept joint electorates unless you place them in a majority in the electorate. You cannot deny the franchise to the Muhammadans, make a minority of them in the electoral power, and then say, "Come along and have a joint electorate".

The decisiveness of this fact was acknowledged by the Nehru Committee and by three members of the Indian Central Committee.

Let me, before I conclude, make one or two remarks to my friends who will not give us adult suffrage. I made it plain at the beginning of my speech that we make the question of the grant of responsible Government to India not entirely dependent on this question. Although I know that my friend and I are only two in a Conference of 80 or 90, we represent 43 millions of people.

Diwan Bahadur Ramachandra Rao: Would Dr. Ambedkar accept the proposal of Lord Zetland ?

Dr. Ambedkar: We might accept the principle. But may I say that I am receiving hundreds of letters and telegrams on the subject I have brought forward. It is a crucial thing.

Sir P. C. Mitter: What about the Central Legislature? Does he want adult suffrage, and what size does he want the Legislature to be ?

Dr. Ambedkar: That will be a question to be decided later on. The Central Legislature, I think, ought to consist of 500 members.

Sir P. C. Mitter: And adult suffrage also?

Dr. Ambedkar: Yes.

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†*Sir Cowasji Jehangir:* All these suggestions, I may say so with due respect to the Begum, emanate from the feeling that the franchise is the foundation of the representation in the Councils. That is so in all countries.

But where we have introduced the principle of weightage for communities, that principle does not hold good.

Colonel Gidney: I will now make a concrete suggestion, and my concrete suggestion is this, that in adopting the scheme suggested by Lord Zetland we should go in for direct and for indirect election. So far as direct election is concerned, I suggest there should be no further broadening of the franchise, and that the present franchise should remain as it is.

Dr. Ambedkar: No.

Colonel Gidney: That is all right.

Sir Cowasji Jehangir: That should return a certain number of representatives to the Legislature, both for urban and for rural constituencies. A large number of the population will remain without the direct vote, and for that whole block of the population the franchise should be broadened. It should be on the basis of 25 per cent of the adult population, and they should return their representatives by the indirect system of election both in rural and urban areas. I make no distinction between the two. That will bring in industrial labour as well as agricultural labour.

Dr. Ambedkar: It will not bring in anything of the sort.

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‡*Dr. Ambedkar:* Sir, this morning I said what I need say regarding the question of franchise ; but, without prejudice of what I have stated this morning, I should like to examine the suggestions which are put forward before this Committee for the purpose of extending the franchise. I take it that this Committee is agreed that the ideal is adult suffrage. Some of us think that it ought to be realised immediately ; the rest of our friends think that it ought to be evolved by stages. We have therefore put before us two concrete suggestions. One suggestion is that we should adopt the system of instalment and increase the suffrage by a graduated scheme of 25 per cent addition to the existing voting list, say at an interval of a certain number of years. We have on the other hand the suggestion of our noble friend the Marquess of Zetland in which also effect is sought to be given to some realisation of this ideal of adult suffrage.

Now, comparing the two, I cannot help saying that I have a partiality for the suggestion of the noble Lord, although, as I say, I hold strongly that we must have undiluted adult suffrage. If it were a mere matter of choice between the two, I should certainly like to have a system which immediately lays the foundation of adult suffrage in preference to a system

† Proceedings of the Sub-Committee No. VI (Franchise), pp. 68-69.

‡ *Ibid.*, pp. 72-73.

which gives some sort of suffrage to only a class of the people and postpones the fact of self-Government to a large mass for a time to come. But, having said that, I cannot, as I say, give whole-hearted support to the suggestion, because I find there are certain difficulties. But, because I think that probably the noble Marquess will come to our help in meeting the difficulties which some of us feel, I propose to make one or two observations. One thing I see : that if this system of indirect elections by groups is adopted, it seems to me the Depressed Classes probably will not fare better under that system. I say that for this reason : the Depressed Classes are scattered throughout India in small numbers in every village ; their life is practically dominated on all sides by powerful bodies of villagers who hold over them social and economic sway. It is possible, and I think it is also probable, that when this indirect election comes to be applied to them, such an amount of pressure may be applied by the village community on the Depressed Classes that, in exercising their vote, so to say, in the primary election, they may be compelled to select people who may not be their best representatives. That is a fear which I certainly have.

Another thing which I find is that if this system is to be adopted in preference to the graduated system of extending the vote by instalments, I do not understand why we should confine this to the propertied class or to any other Class ; I do not see why we should not extend the system in such a manner that adult suffrage should become the foundation of the system.

A Member: That is the intention.

Dr. Ambedkar : I am glad to hear that. With regard to the difficulties that have been suggested, that this would complicate the matter of separate electorates, I do not think it will, because with indirect election you can still maintain separate registers for such communities as may desire to have them. I do not think that will create any difficulty in the matter.

But, as I say, we cannot, for instance, give support to this principle unless we know really how this principle is going to work in practice, unless we know all the details about it. My concrete suggestion, therefore, is that this Committee should appoint a small Sub-Committee in order to consider this system and to report upon it, so that we may be better able, with full knowledge and information, to recommend this to a Franchise Committee that may hereafter be left to work out the system. It seems to me in its raw form, if the noble Lord will excuse my using that expression, it is somewhat difficult, and it is too much of a large order for anyone of us—speaking, at any rate, for myself to give out support to this principle.

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†*Mr. Basu:* But is it necessary to put a maximum figure at all, because the Franchise Committee will be there, they will have to consider it and go into details. I think we should put the minimum figure ; that is all that is required. As regards the maximum, they may decide as to what

† Proceedings of the Sub-Committee No. VI (Franchis), pp. 74-75.

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IN THE PLENARY SESSION

Fifth Sitting—20th November 1930

NEED FOR POLITICAL POWER FOR DEPRESSED CLASSES

**Dr. B. R. Ambedkar:* Mr. Chairman, my purpose in rising to address this conference is principally to place before it the point of view of the depressed classes, whom I and my colleague, Rao Bahadur Srinivasan, have the honour to represent, regarding the question of constitutional reform. It is a point of view of 43,000,000 people, or one-fifth of the total population of British India. The depressed classes form a group by themselves which is distinct and separate from the Muhammadans and, although they are included among the Hindus, they in no sense form an integral part of that community. Not only have they a separate existence, but they have also assigned to them a statute which is invidiously distinct from the status occupied by any other community in India. There are communities in India which occupy a lower and subordinate position; but the position assigned to the depressed classes is totally different. It is one which is midway between that of the serf and the slave, and which may, for convenience, be called servile with this difference, that the serf and the slave were permitted to have physical contact, from which the Depressed Classes are debarred. What is worse than this enforced servility and bar to human intercourse, due to their untouchability, involves, not merely the possibility of discrimination in public life, but actually works out as a positive denial of all equality of opportunity and the denial of those most elementary of civic rights on which all human existence depends. I am sure that the point of view of such a community, as large as the population of England or of France, and so heavily handicapped in the struggle for existence, cannot but have some bearing on the right sort of solution of the political problem, and I am anxious that this Conference should be placed in possession of that point of view at the very start.

The point of view I will try to put as briefly as I can. It is this that the bureaucratic form of Government in India should be replaced by

* Proceedings of the Round Table Conference (hereinafter referred to as R.T.C.) (First Session), Government of India, Central Publication Branch, Calcutta, 1931, pp. 123-29.

a Government which will be a Government of the people, by the people and for the people. This statement of the view of the depressed classes I am sure will be received with some surprise in certain quarters. The tie that bounds the Depressed Classes to the British has been of a unique character. The Depressed Classes welcomed the British as their deliverers from age long tyranny and oppression by the orthodox Hindus. They fought their battles against the Hindus, the Mussalmans and the Sikhs and won for them this great Empire of India. The British, on their side, assumed the role of trustees for the depressed classes. In view of such an intimate relationship between the parties, this change in the attitude of the depressed classes towards British Rule in India is undoubtedly a most momentous phenomenon. But the reasons for this change of attitude are not far to seek. We have not taken this decision simply because we wish to throw in our lot with the majority. Indeed, as you know, there is not much love lost between the majority and the particular minority I represent. Ours is an independent decision. We have judged of the existing administration solely in the light of our own circumstances and we have found it wanting in some of the most essential elements of a good Government. When we compare our present position with the one which it was our lot to bear in Indian society of the pre-British days, we find that, instead of marching on, we are only marking time. Before the British, we were in the loathsome condition due to our untouchability. Has the British Government done anything to remove it? Before the British, we could not enter the temple. Can we enter now? Before the British, we were denied entry into the Police Force. Does the British Government admit us in the Force? Before the British, we were not allowed to serve in the Military. Is that career now open to us? To none of these questions can we give an affirmative answer. That the British, who have held so large a sway over us for such a long time, have done some good we cheerfully acknowledge. But there is certainly no fundamental change in our position. Indeed, so far as we were concerned, the British Government has accepted the social arrangements as it found them, and has preserved them faithfully in the manner of the Chinese tailor who, when given an old coat as a pattern, produced with pride an exact replica, rents, patches and all. Our wrongs have remained as open sores and they have not been righted, although 150 years of British rule have rolled away.

We do not accuse the British of indifference or want of sympathy. What we do find is that they are quite incompetent to tackle our problems. If the case was one of indifference only it would have been a matter of small moment, and it would not have made such a profound change in our attitude. But what we have come to realise on a deeper analysis of the situation is that it is not merely a case of indifference, rather it is a case of sheer incompetence to undertake the task. The depressed classes find that the British Government in India suffers from two very serious

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limitations. There is first of all an internal limitation which arises from the character, motives and interests of those who are in power. It is not because they cannot help us in these things but because it is against their character, motives and interests to do so. The second consideration that limits its authority is the mortal fear it has of external resistance. The Government of India does realise the necessity of removing the social evils which are eating into the vitals of Indian society and which have blighted the lives of the downtrodden classes for so many years. The Government of India does realise that the landlords are squeezing the masses dry, and the capitalists are not giving the labourers a living wage and decent conditions of work. Yet it is most painful thing that it has not dared to touch any of these evils. Why? Is it because it has no legal powers to remove them? No. The reason why it does not intervene is because it is afraid that its intervention to amend the existing code of social and economic life, will give rise to resistance. Of what good is such a Government to anybody? Under a Government, paralysed between two such limitations, much that goes to make life good must remain held up. We must have a Government in which the men in power will give their undivided allegiance to the best interest of the country. *We must have a Government in which men in power, knowing where obedience will end and resistance will begin, will not be afraid to amend the social and economic code of life which the dictates of justice and expediency so urgently call for. This ROLE the British Government will never be able to play.* It is only a Government which is of the people, for the people and by the people that will make this possible.

These are some of the questions raised by the Depressed Classes and the answers which in their view these questions seem to carry. This is therefore the inevitable conclusion which the Depressed Classes have come to: namely, that the bureaucratic Government of India, with the best of motives, will remain powerless to effect any change so far as our particular grievances are concerned. We feel that nobody can remove our grievances as well as we can, and we cannot remove them unless we get political power in our own hands. No share of this political power can evidently come to us so long as the British Government remains as it is. It is only in a Swaraj constitution that we stand any chance of getting the political power into our own hands, without which we cannot bring salvation to our people.

There is one thing, Sir, to which I wish to draw your particular attention. It is this. I have not used the expression Dominion Status in placing before you the point of view of the Depressed Classes. I have avoided using it, not because I do not understand its implications nor does the omission mean that the depressed classes object to India's attaining Dominion Status. My chief ground for not using it is that it does not convey the full content of what the Depressed Classes stand for. The Depressed Classes, while they stand for Dominion Status with safeguards, wish to lay all the emphasis

they can on one question and one question alone. And that question is, how will Dominion India function ? Where will the centre of political power be ? Who will have it ? Will the Depressed Classes be heirs to it ? These are the questions that form their chief concern. The Depressed Classes feel that they will get no shred of the political power unless the political machinery for the new constitution is of a special make. In the construction of that machine certain hard facts of Indian social life must not be lost sight of. It must be recognised that Indian Society is a gradation of Castes forming an ascending scale of reverence and a descending scale of contempt—a system which gives no scope for the growth of that sentiment of equality and fraternity so essential for a democratic form of Government. It must also be recognized that while the intelligentsia is a very important part of Indian society, it is drawn from its upper strata and although it speaks in the name of the country and leads the political movement, it has not shed the narrow particularism of the class from which it is drawn. In other words what the Depressed Classes wish to urge is that the political mechanism must take account of and must have a definite relation to the psychology of the society for which it is devised. Otherwise you are likely to produce a constitution which, however symmetrical, will be truncated one and a total misfit to the society for which it is designed.

There is one point with which I should like to deal before I close this matter. We are often reminded that the problem of the Depressed Classes is a social problem and that its solution lies elsewhere than in politics. We take strong exception to this view. We hold that the problem of the Depressed Classes will never be solved unless they get political power in their own hands. If this is true, and I do not think that the contrary can be maintained, then problem of Depressed Classes is I submit eminently a political problem and must be treated as such. We know that political power is passing from the British into the hands of those who wield such tremendous economic, social and religious sway over our existence. We are willing that it may happen, though the idea of Swaraj recalls to the mind of many of us the tyrannies, oppressions and injustices practised upon us in the past and fear of their recurrence under Swaraj. We are prepared to take the inevitable risk of the situation in the hope that we shall be installed, in adequate proportion, as the political sovereigns of the country along with our fellow countrymen. But we will consent to that on one condition and that is that the settlement of our problems is not left to time. I am afraid the Depressed Classes have waited too long for time to work its miracle. At every successive step taken by the British Government to widen the scope of representative Government the Depressed Classes have been systematically left out. No thought has been given to their claim for political power. I protest with all the emphasis I can that we will not stand this any longer. The settlement of our problem must be a part of the general political settlement and must not be left over to the

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shifting sands of the sympathy and goodwill of the rulers of the future. The reasons why the Depressed Classes insist upon it are obvious. Every one of us knows that the man in possession is more powerful than the man who is out of possession. Everyone of us also knows that those in possession of power seldom abdicate in favour of those who are out of it. We cannot therefore hope for the effectuation of the settlement of our social problem. If we allow power to slip into the hands of those who stand to lose by settlement unless we are to have another revolution to dethrone those, whom we today help to ascend the throne of power and prestige. We prefer being despised for too anxious apprehensions, than ruined by too confident a security, and I think it would be just and proper for us to insist that the best guarantee for the settlement of our problem is the adjustment of the political machine itself so as to give us a hold on it, and not the will of those who are contriving to be left in unfettered control of that machine.

What adjustments of the political machine the Depressed Classes want for their safety and protection I will place before the Conference at the proper time. All I will say at the present moment is that, although we want responsible Government, we do not want a Government that will only mean a change of masters. Let the Legislature be fully and really representative if your Executive is going to be fully responsible.

I am sorry Mr. President. I had to speak in such plain words. But I saw no help. The Depressed Classes have had no friend. The Government has all along used them only as an excuse for its continued existence. The Hindus claim them only to deny them or, better still, to appropriate rights. The Muhammadans refuse to recognize their separate existence, because they fear that their privileges may be curtailed by the admission of a rival. Depressed by the Government, suppressed by the Hindu and disregarded by the Muslim, we are left in a most intolerable position of utter helplessness to which I am sure there is no parallel and to which I was bound to call attention.

Regarding the other question which is set down for discussion I am sorry it was decided to tag it on to a general debate. Its importance deserved a session for itself. No justice can be done to it in a passing reference. The subject is one in which the Depressed Classes are deeply concerned and they regard it as a very vital question. As members of a minority, we look to the Central Government to act as a powerful curb on the provincial majority to save the minorities from the misrule of the majority. As an Indian, interested in the growth of Indian nationalism, I must make it plain that I am a strong believer in the Unitary form of Government and the thought of disturbing it I must confess does not please me very much. This Unitary Government has been the most potent influence in the building up of the Indian nation. That process of unification which has been the result of a unified system of Government has not been completed and

I should be loathed to withdraw this most powerful stimulus in the formative period and before it has worked out its end.

However, the question in the form in which it is placed is only an academic question and I shall be prepared to consider a federal form, if it can be shown that in it local autonomy is not inconsistent with central unity.

Sir, all that I, as a representative of the depressed classes, need say on their behalf I have said. May I crave your indulgence to permit me as an Indian to say a word or two generally on the situation which we have to meet. So much has been said regarding its gravity that I shall not venture to add a word more to it, although I am no silent spectator of the movement. What I am anxious about is to feel whether we are proceeding on right lines in evolving our solution. What that solution should be rests entirely upon the view that British delegates choose to take. Addressing myself to them I will say, whether you will meet the situation by conciliation or by applying the iron heel must be a matter for your judgment for the responsibility is entirely yours. To such of you as are particular to the use of force and believe that a regime of *LETTERS DE CACHET* and the Bastille will ease the situation, let me recall the memorable words of the greatest teacher of political philosophy, Edmund Burke. This is what he said to the British nation when it was faced with the problem of dealing with the American colonies :

“The use of force alone is but temporary. It may endure for a moment, but it does not remove the necessity of subduing again ; a nation is not governed which is perpetually to be conquered. The next objection to force is its uncertainty. Terror is not always the effect of force, and an armament is not a victory. If you do not succeed, you are without resource ; for conciliation failing, force remains, but force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness, but they can never be begged as alms by an impoverished and defeated violence. A further objection to force is, that you impair the object by your very endeavours to preserve it. The thing you fought for (to wit the loyalty of the people) is not the thing you recover but depreciated, sunk, wasted and consumed in the contest.”

The worth and efficacy of this advice you all knew. You did not listen to it and you lost the great continent of America. You followed it to the lasting good of yourself and the rest of the Dominions that are with you. To such of you as are willing to adopt a policy of conciliation I should like to say one thing. There seems to be prevalent an impression that the Delegates are called here to argue for and against a case for Dominion Status and that the grant of Dominion Status will be dependent upon which side is the victor in this battle of wits. With due deference to all who are sharpening their wits, I submit that there can be no greater mistake than to make the formula of logic govern so live an issue. I have no

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quarrel with logic and logicians. But I warn them against the disaster that is bound to follow if they are not careful in the selection of the premises they choose to adopt for their deductions. It is all a matter of temper whether you will abide by the fall of your logic, or whether you will refute it, as Dr. Johnson did the paradoxes of Berkeley by trampling them under his feet. I am afraid it is not sufficiently realised that in the present temper of the country, no constitution will be workable which is not acceptable to the majority of the people. The time when you were to choose and India was to accept is gone, never to return. Let the consent of the people and not the accident of logic be the touchstone of your new constitution, if you desire that it should be worked.

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**EVIDENCE OF Dr. AMBEDKAR BEFORE
THE INDIAN STATUTORY COMMISSION ON
23rd OCTOBER 1928**

INDIAN STATUTORY COMMISSION, POONA*

Dated 23rd October 1928

PRESENT

*ALL THE MEMBERS OF THE COMMISSION, OF THE CENTRAL
COMMITTEE (EXCEPT RAJA NAWAB ALI KHAN) AND OF THE
BOMBAY PROVINCIAL COMMITTEE*

Dr. B. R. Ambedkar (a member of the Bombay Committee) and Dr. P. G. Solanki (representing the Depressed Classes), called and examined.

Chairman : Just to remind my colleagues, the documents we should have before us are : Dr. Ambedkar's Statement on behalf of the Depressed Classes' Institute of Bombay and the Joint Memorandum of the Depressed Indian Association, Bombay, and the Servants of Somavamshi Society. Dr. Ambedkar has changed his seat, because he is acting for the moment as one of our witnesses. Dr. Ambedkar, of course, we know as a member of the Bombay Committee. I think, Dr. Solanki, you or your Association is responsible for the other document ?

Dr. Solanki : I concur in the document submitted by Dr. Ambedkar.

2. I should like you to begin, Dr. Ambedkar, by helping us as to the sort of number of depressed classes in this Presidency. Can you help us about that?

Dr. Ambedkar : I find that the depressed class population, as computed in the Memorandum submitted by the Government of Bombay is estimated at 1,478,390 as may be seen from page 3 of their Memorandum (Vol. VII).

3. Let us see. They say, "The depressed classes, which include mostly the Dheds, Mangs, Mahars and Holiyas, number, according to the Census

*Indian Statutory Commission, Vol. XVI. Selections from Memoranda and Oral Evidence, Part I, published by His Majesty's Stationery Office, London, 1930, p. 52-75. This Commission is popularly known after its Chairman Sir John Simon.

of 1921, 1,478,390 approximately.” What do you say about that figure?

Dr. Ambedkar : As you will see. the figure I have given on page 39 of my Memorandum is about 28 lakhs.

4. You think the number should be about 2,800,000 ?

Dr. Ambedkar : Yes.

5. How does the discrepancy arise ?

Dr. Ambedkar : The first thing I should like to say is this, that the figures given by the Government of Bombay are taken, I believe, from the Census of India, 1921, Vol. 8, Bombay Presidency, Part II, the tables starting on page 176, while the figures which I give in my memorandum are from Chapter 11 of Vol. 1 of the Census of India, 1921. These are the figures estimated by the Director of Census, who has collected the figures of the different Provinces, and his computations, which I have taken bodily, are given on page 39 of my memorandum under the heading “Population of the Depressed Classes in India”, and show the figures for the different Provinces, giving the population of the depressed classes in each. Now, as we see, there is this discrepancy between the two sets of figures. These figures of course, can never be exact, neither the Provincial nor the Central figures. In fact, if the Conference will refer to the remarks of the Director of the Census of India, which I commence quoting on page 39 of my memorandum, it will be seen that, after giving the total estimated population of the depressed classes he goes on to say (page 39 of memorandum, in italics)*, “This, however, must be taken as a low and conservative estimate since it does not include (1) the full strength of the castes and tribes concerned, and (2) the tribal aborigines most recently absorbed in Hinduism, many of whom are considered impure. We may confidently place the numbers of the depressed classes, all of whom are considered impure, at something between 55 and 60 millions in India proper.” Then he gives the figures for each province.

6. Would you mind if I just try to clear my own mind, not by reference to precise figures, but by contrasting two conceptions ? It is manifest that if some authorities, speaking with the precision of Census returns, give a total like 1,478,000, and other authorities, also speaking with precision, give a figure like 2,800,000, the second authorities must be including people not included by the first ?

Dr. Ambedkar : That is so, and I should, therefore, like to point out to the Conference that the provincial figures do not include certain castes which are, as a matter of fact, untouchable castes.

7. May we put it like this ? See if I have it correct, and if I have not please tell me. I have been studying it as well as I can, although I have been looking forward to your help and that of Dr. Solanki. In one sense of the term, by “Depressed Classes” you might mean untouchables in the sense of persons who are Hindus, but who are denied access to the Hindu temples,

*See para. 7, Quotation paragraph 193 at pages 436-37 of this book.

might you not ?

Dr. Ambedkar : Yes.

8. In another sense you might include in the “Depressed Classes” not only those people whom I have described, but also the criminal tribes, the hill tribes and other people who no doubt are very low in the scale, but who are not, perhaps, in the narrower sense untouchables from the point of view of the Hindus hierarchy ?

Dr. Ambedkar: Quite.

9. Is not that a possible view ?

Dr. Ambedkar : That is a possible view.

10. Is not that the real explanation of why in some connections you get a certain figure for the depressed classes, meaning untouchables, persons who are refused admission to the Hindu temples, whereas on the other hand you sometimes get a bigger figure which would include these criminal and hill tribes ?

Dr. Ambedkar : I do not think that is so in this case, because the figures I have given seem to have reference to the depressed classes as distinct from the hill tribes and the criminal tribes.

11. Let me point this out to you. I have before me these three figures. I have got a figure of 1,478,000 odd for untouchables taken from the Census of 1921, and made up of these Mahars, Dheds and other people. Then I have a long list of criminal tribes and so on, which adds up to 589,000—just over half a million. Then I have a third list of aboriginals and hill tribes—Bhils, and people of that sort—and they add up to another million. If you were to add the aboriginal and criminal tribes in with the first figure, you would get a total approximately like the larger figure you give of 2,800,000 ?

Dr. Ambedkar : The quotation I reproduce on page 39 of my memorandum from the remarks of the Directors of the Census gives me the impression that his figures are strictly for the depressed classes. My feeling is that the figures computed by the Director of the Census and referred to by him in the paragraph which I quote on page 39 of my memorandum are figures which apply only to the depressed classes.

12. I see that the Director of the Census of India for 1921 says this : “It has been usual in recent years to speak of a certain section of the community as the ‘Depressed Classes’—so far as I am aware the term has no final definition, nor is it certain exactly whom it covers.” Then he refers to some educational criticisms. That is the passage you mean ?

Dr. Ambedkar : Yes, and “The total population classed according to these lists as depressed amounted to 31 million persons or 19 per cent. of the Hindu and tribal population of British India.” That remark would appear to exclude the tribal people from the depressed classes.

13. I do not know. Anyhow, that is one possible explanation, and I think you agree a possible explanation is that the smaller figure is the figure of untouchables in the sense I have tried to define. I think you agree

that is a possible view. It is manifest that for many purposes those interested in trying to promote the advancement and elevation of those who are most depressed may very well include in their survey a wider number of persons, including the criminal and hill tribes. That is a possibility ?

Dr. Ambedkar : It is a possibility.

14. I should like to suggest to you another possible view. I do not know if it qualifies it. On page 39 of your document you point out, quite accurately, I think, that if you add the provincial figures together you get something like 55 to 60 millions in India proper ?

Dr. Ambedkar : Yes.

15. "India proper" there, I think, would include the Indian States?

Dr. Ambedkar : Yes, I thought of that, but I would point out one thing. He seems to exclude the Indian States, because he gives a separate figure for Baroda.

16. Perhaps he mentions one or two of the larger ones ?

Dr. Ambedkar : Probably. Qualification of the figures.

17. We do not, of course, want to spend too long on the statistical point, because, after all, whether the right figure to take is 1½ million or 2 millions or 2½ millions, it is obvious, it is a very large number of people, and they are people who deserve our very special consideration ?

Dr. Ambedkar : One point I wish to mention is this, that the figures from which the provincial figures are computed are in the table which deals only with the principal Indian castes. It is not an exhaustive table, and I find by going over the different castes which are mentioned in this table that it does not give any figures whatsoever for ten castes, which are undoubtedly castes. They are not included in the principal Indian castes.

18. What I was going to suggest, if it was agreeable to you both, was this. You have called attention to the main considerations with regard to the figures and, without fixing absolutely the right figures, I think it would be well to get rid of this figures point as quickly as possible and then we can get to the question of considering the position and treatment of these classes ; otherwise we may occupy a long time on arithmetic. I have asked what I want to put about it, and I am quite prepared to take it that if you apply a narrower test you may get a figure of 1½ millions, but that with a wider test you will get a figure of between 2 and 3 millions. I accept that from you, as I follow it ?

Dr. Ambedkar : Yes, with this qualification, that the Bombay figures do not include ten of the castes.

Chairman : We want to get to the real point, which is their representation. Is there anyone who wants to occupy time on this statistical point ? Are you content, Mr. Rajah, that we should take it the figures are something of that sort ?

Rao Bahadur Rajah : Which figures ?

Chairman : Do not you think we might proceed with the really important question, which is their representation, leaving it like this, that in the Bombay

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Presidency the Census of 1921 gives a figure of 1½ millions, but it would appear that those are the depressed classes in the narrower sense I have mentioned, the untouchables from the point of view of religion, but that, as Dr. Ambedkar has pointed out, the official figures really show, if you take a rather wider but perfectly legitimate view, that the true figure may be between 2 and 3 millions. Is not that fair ?

Rao Bahadur Rajah: Yes, that is right.

Chairman : Does anybody want to add anything about that ?

19. *Colonel Lane Fox :* On which figure are the two memoranda which we have received based ? In each memorandum you ask for special representation for the depressed classes. You ask for adult suffrage in one memorandum, and you ask for special recruitment for the army and navy and so on. It is obvious it is a bigger thing if you ask for it for the aborigines and criminal tribes and so on. Are these privileges asked for the bigger figure or for the smaller ?

Dr. Ambedkar : I ask for them for the depressed classes.

20. For the aborigines and criminal classes also ?

Dr. Ambedkar : No. I do not think it would be possible to allow them the privilege of adult suffrage.

21. But you quote the bigger figure ?

Dr. Ambedkar : I am not accepting altogether the fact that the figure which I have given in my memorandum covers the aborigines and the hill tribes. I still hold to the view that on a fair computation the figure I have given is largely the figure for the depressed classes I admit only the possibility of the other view.

Chairman : There is only one thing I might add. Sir Arthur Froom may be able to confirm it. I notice the Muddiman Committee (Reforms Enquiry Committee, 1925) in the table subjoined to para. 64 of their Report, give the figure at 2,800,000.

22. *Sir Hari Singh Gour :* Dr. Ambedkar, would you regard “depressed classes” and “untouchables” as synonymous terms ?

Dr. Ambedkar : Yes.

23. In asking for special representation for the depressed classes you confine yourselves to the untouchables ?

Dr. Ambedkar : Yes.

24. You say that some aborigines are not untouchables?

Dr. Ambedkar : In some parts they may be. I do not propose to speak on their behalf.

25. They are not untouchables. The criminal tribes are not untouchables ?

Dr. Ambedkar : Some of them are.

26. Some, but as a tribe they are not ?

Dr. Ambedkar : The criminal tribes have so little social intercourse with the rest of the Hindus that there is no basis for any definite opinion on that point, but if they did have such intercourse I think they would be regarded as untouchables.

27. There are certain classes which stand midway between touchability and untouchability ?

Dr. Ambedkar : I would rather say they were lower down than the untouchables.

28. No, higher up in the social ladder there is a class which is semi-untouchable ?

Dr. Ambedkar : I cannot say. My point is this, that with respect to the criminal tribes we have no data for forming an opinion as to whether they are untouchable or not, because there is very little intercourse between the main body of Hindus and the criminal tribes.

29. Leave out of account the criminal tribes and aborigines ; I am now dealing with the untouchables. Among the untouchables themselves there are degrees ; there are certain among them who may be regarded as only semi-untouchable ?

Dr. Ambedkar : (Both witnesses) No.

30. I will give you an example. What is the position of the Chambhar ?

Dr. Ambedkar : He is entirely untouchable.

31. As much as the Mahar ?

Dr. Ambedkar ; Yes.

32. Are you certain of that ?

Dr. Ambedkar : Yes, if you apply this test of common water, or of entering a temple.

33. No, by untouchability I mean whose touch will pollute a high caste Hindu ?

Dr. Ambedkar: Well, you can take entering a temple or taking water as a test.

Chairman: After all, we are engaged here primarily in a constitutional and political inquiry. Social customs and deep-rooted religious traditions are not things which are likely to be removed between night and morning by any commission; that is obvious enough. It really comes to this, that in one sense the depressed classes meaning the untouchables, will be those classes who are denied all access to Hindu temples, and who, it is suggested, are deprived very often of the use of schools, of dharmashalas and things of that sort. In addition to those, speaking politically and constitutionally, we shall all agree there are others, not very advanced in the scale of civilisation, such as Sir Hari Singh Gour has referred to—criminal tribes, hill tribes and so on—who are also inhabitants of India and as such demand our attention.

Sir Hari Singh Gour: The Hindus are divided into four castes. The Sudras cannot get into the temples

Chairman: I think we all appreciate that. However, we are not engaged in making laws for the Hindu religion, but in considering the structure of the constitution of British India, which is a very different thing.

34. Taking that figure, what is it that you want to represent as the proper way in which the constitution of India, and more particularly the

constitution of the Bombay Presidency, should deal with these people ?

Dr. Ambedkar : The first thing I would like to submit is that we claim that we must be treated as a distinct minority, separate from the Hindu community. Our minority character has been hitherto concealed by our inclusion in the Hindu community, but as a matter of fact there is really no link between the depressed classes and the Hindu community. The first point, therefore, I would stress before the Conference is that we must be regarded as a distinct and independent minority. Secondly, I should like to submit that the depressed classes minority needs far greater political protection than any other minority in British India, for the simple reason that it is educationally very backward, that it is economically poor, socially enslaved, and suffers from certain grave political disabilities, from which no other community suffers. Then I would submit that, as a matter of demand for our political protection, we claim representation on the same basis as the Mahomedan minority. We claim reserved seats if accompanied by adult franchise.

35. And if there is no adult franchise ?

Dr. Ambedkar : Then we would ask for separate electorates. Further, we would like to have certain safeguards either in the constitution, if it is possible, or else in the way of advice in the instrument to the Governor regarding the education of the depressed classes and their entry into the public services.

36. May we just ask Dr. Solanki if he agrees in those points ?

Dr. Solanki: I agree with all the points.

37. Then we may take it that that is the view of both you gentlemen ?

Dr. Ambedkar : Yes.

38. Would it be convenient if I asked a question of two on these points as we go ? You claim that the depressed class, although included within Hinduism in a sense, should none the less be regarded from the point of view of the constitution as a distinct and separate community from others who are within Hinduism ?

Dr. Ambedkar : Yes.

39. Is that on the ground that in your view the depressed classes cannot expect to have their interests satisfactorily represented by the higher ranks of Hinduism ?

Dr. Ambedkar: That is one ground, but a matter of fact, really we cannot be deemed to be part of the Hindu community.

40. You come, I believe from an earlier set of inhabitants of this continent ?

Dr. Ambedkar : That is one view, I think.

41. It is supposed — we will not go into details — that you are pre-Aryan ?

Dr. Ambedkar : Well, I do not know. That is a view.

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43. I only ask you the question because there are some very distinguished Hindu public men — I do not mention any names — who have undoubtedly exhibited a good deal of interest in the case of the depressed classes. There is no question about that ?

Dr. Ambedkar : Yes, there is a great deal of public talk.

44. I know ; but, at any rate, that is your view : You say you must be regarded as a distinct and separate community from the constitutional point of view ?

Dr. Ambedkar : Yes.

45. As regards representation, I notice that whether there is adult franchise, or whether there is not adult franchise, you seem to be abandoning any idea of nomination, you want election ?

Dr. Ambedkar : Yes.

46. Is that the view of both of you ?

Dr. Solanki : Yes.

47. That means, of course, that you have to make a list of voters ?

Dr. Ambedkar : Yes.

48. And you have to make sure that the man who comes to vote is the man on the list, and nobody else ?

Dr. Ambedkar : Yes.

49. Could you give me an estimate at all, Dr. Ambedkar, of what percentage of the population whom you call the depressed classes can read ?

Dr. Ambedkar : In a separate memorandum which I have submitted to the Commission on education in the Bombay Presidency I gave the figures.

50. I am afraid it is a very small proportion ?

Dr. Ambedkar : Quite.

51. After all, one of the complaints that are made is that they have not had as free access to schools as more fortunate people ?

Dr. Ambedkar : Quite so.

52. So it would mean, would it not, if it was done by election, that it would almost entirely have to be done by people voting who could not themselves understand the ballot paper ?

Dr. Ambedkar : Yes. That is true of the majority of voters even today.

53. True. Now, would you tell me how many reserved seats in the Bombay Presidency you would suggest classes ?

Dr. Ambedkar : In the scheme that I have prepared I say out of 140 we claim 22 seats.

54. What you suggest is that if the total number of members of the Bombay Council, all elected, was 140, then you think that the body for which you wish to speak should have 22 elective seats ?

Dr. Ambedkar : Yes.

55. And supposing, to take your other alternative, there is no adult franchise, then you are asking for separate electorates. Do you still want 22 seats ?

Dr. Ambedkar : Yes.

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56. The only other thing I will ask you is this. I think Mr. Rajah probably will be glad to put a few questions himself to bring out the social condition. At present I think, in the Bombay Legislative Council there are two members, are there not, who are nominated to represent the depressed classes ?

Dr. Ambedkar : That is so.

57. You yourself being one of them ?

Dr. Ambedkar : Yes.

58. And Dr. Solanki being the other ?

Dr. Ambedkar : Yes.

59. Was that based on the Southborough Committee's Report ?

Dr. Ambedkar : Yes, I believe so.

60. I believe you gave evidence before the Southborough Committee ?

Dr. Ambedkar : Yes.

61. I have been reading your evidence before that Committee, and I was looking to see how many members you said there were of the depressed classes. I think you point out in your memorandum, in a note at the bottom of page 39, that the figure of the depressed classes given by the Southborough Committee for the Bombay Presidency was 5,77,000 ?

Dr. Ambedkar : Yes.

62. I think your view is that, that was an error ?

Dr. Ambedkar : Yes, a very large error.

63. Can you tell me, as a matter of fact, how they arrived at it ? Do you know at all ?

Dr. Ambedkar : They simply took, I think, a small table with regard to castes which cause pollution.

64. It was taking a still narrower definition of what constituted the depressed classes ?

Dr. Ambedkar : Yes.

65. *Mr. Hartshorn:* I notice in this note you say, after referring to the figure of the Southborough Committee of 5,77,000. "According to the authority relied upon by the Southborough Committee, the population of the depressed classes in the Bombay Presidency in 1911 was 2,145,000".

Dr. Ambedkar : In the Census.

66. That is the authority they relied upon ? That was what I wanted to know.

Dr. Ambedkar : Yes. The authority gave two different figures on two different pages, if I remember correctly. On one page they gave the smaller figure, and they took that up, and as soon as the Report of the Southborough Committee was published we protested against this estimate to the Government of Bombay.

67. *Chairman:* I think it is quite clear what the 2,100,000 was. It was the result of adding together in the Census of 1921 the figure given for the untouchables, which as I have said, was 1,478,000, and the figure given

for the criminal tribes, which was something like 623,000. Adding those two together, you would get the 2,100,000 ?

Dr. Ambedkar : Yes.

68. And it was leaving out the aboriginal and hill tribes. It must have been ?

Dr. Ambedkar : Yes.

69. *Mr. Miller* : I should like to ask about the position in some of the Indian States. In Baroda and one other State, I think, where some special facilities are shown, are those special facilities anything beyond education facilities ?

Dr. Ambedkar : No, nothing beyond that.

70. Could you obtain service with the State ?

Dr. Ambedkar : I should think it would be very difficult.

71. You are particularly anxious to get appointments in the public service ?

Dr. Ambedkar : Yes, decidedly.

72. Why is that so ?

Dr. Ambedkar : On that point I should like to say this, that our experience so far as the administration of the law is concerned is very bitter. I wish to say most emphatically that in many cases the law is administered to the disadvantage of the depressed class man. I would like to give a concrete case of what actually happened in one of the districts, without, of course, mentioning names. The Bombay Government annually lets out its forest lands for cultivation to the villages on certain stated terms. Now we discovered that in the allotment of those forest lands the depressed class man, who was often a landless labourer or with very little land, and who was clamouring for some sort of economic stability, never came in for a share. The Mamlatdars, who were really in charge of distributing the lands, showed absolute favouritism to the caste Hindu as against the depressed class man. Last year in one district we organised and sent a deputation to the Assistant Deputy Collector of that district, placing before him our grievances with respect to these forest lands. He issued a circular to the Mamlatdars saying that the applications from the depressed classes should be considered. Now, some of the Mamlatdars, to show they were acting up to the circular, did give some lands to the depressed classes. But we found that they rather fooled us, if I may say so. What they did was, on paper they allotted a very large amount of land to the depressed classes and a very small amount of land to the caste Hindus, but when we came to see actually what was allotted to us we found that the land allotted to the depressed classes was all rocky and unfit for cultivation and the depressed class people would not take it for anything, and the land allotted to the caste Hindus though small, was all rich and fertile. Now I think that is a most fragrant abuse of the administrative power which is entrusted to the officials, and I personally attach far more importance to good administration of law than to more efficient administration of law.

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73. *Chairman*: I imagine that the application of what you have told us, which is interesting, to our present inquiry is really this — because, of course, it is no part of the function of this Commission to interfere in day-by-day administration ?

Dr. Ambedkar : No.

74. You are using it as an argument to support your view that the depressed classes should have a full representation ?

Dr. Ambedkar : In the services.

75. That is your point ?

Dr. Ambedkar: That is my point. I will give some instances of what happens in judicial courts actually in this Presidency. I happened to defend a depressed class man in one of the courts, and, to my great surprise, I found that the man had to stand outside the court behind a little window, outside the wall, and he would not come in simply because, he said, “It is all right so far as you are concerned, but after you have left there will be terrible social ostracism if I enter the court”

76. It was the client who did not want to come in ?

Dr. Ambedkar : Who dare not come in.

77. What sort of social ostracism had he in mind ?

Dr. Ambedkar : The social ostracism would be that if he went back to the village there would be the boycott of the shop-keepers; nobody would sell him grain. The villagers would stop his dues as a village servant. He would not be allowed to come into the village. The depressed class people always live on the border of the village, not in the centre or in the midst

78. Your point would be that he was timid about coming into court on this occasion because he thought that afterwards the other people of the village, not his own lot but the others, the caste people, would regard him as having pushed himself in where he should not go ?

Dr. Ambedkar : Certainly—having exceeded the bounds of his social status.

79. That is a single case, is it ?

Dr. Ambedkar : I have had that experience but I think that the existence of a circular of the Bombay High Court to the effect that the depressed classes must be allowed entry in the courts indicates that that is often the case. There must be some reason for that circular.

80. *Mr. Miller*: The only other question, I want to ask is this. If you got these 22 seats in the Council do you think you could bring forward 22 suitable men ?

Dr. Ambedkar : Yes, I think so.

81. *Khan Sahib Abdul Latif* : Would you please enlighten the members of the Conference as to the fate of the minorities in the Bombay Council, when the official bloc is withdrawn for certain reasons ?

Dr. Ambedkar : I quite see that the fate of the minorities would be precarious. It has been precarious.

82. Did the honourable Minister belonging to the advanced class show

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any consideration to the project, or the feelings of Mahomedans, non-Brahmins, or depressed classes ?

Dr. Ambedkar : No, not at all.

83. Do the minor communities stand any chance of getting through any legislation in the Bombay Legislative Council, or get any chance to move it?

Dr. Ambedkar : Their chances would be almost nil.

* * * * *

98. *Sardar Mujumdar*: Is it not a fact that different kinds of castes among the depressed classes are known as the depressed classes ; that is to say, there are different kinds of castes even among the depressed classes ?

Dr. Ambedkar : Yes, of course.

99. Can you give me approximately the number of those castes ?

Dr. Ambedkar : I think you will find them in the Census, the different castes enumerated as untouchables.

100. Can you give me any idea of the number of different castes ?

Dr. Ambedkar: About a dozen or so. The Census gives it.

101. How many castes are included in the depressed classes in Bombay ?

Dr. Ambedkar : Almost all the castes.

102. Then the members of the different castes are members of your organisation ?

Dr. Ambedkar : Quite ; it is a general body inclusive of all the depressed classes.

103. So that among the depressed classes are included all those ?

Dr. Ambedkar : Yes.

104. Have you taken into consideration the claims of the Bhils and Wadias and other persons ?

Dr. Ambedkar : No.

105. What do you say about the protection of those minorities ?

Dr. Ambedkar : I think that they also should be allowed some protection by representation.

106. Do you not think that even among the backward classes there are certain communities, who are in a minority ?

Dr. Ambedkar : Yes.

106A. Then has the present constitution any provision to protect their interest ?

Chairman: Are these castes to which you refer refused admission to the Hindu temples ?

Sardar Mujumdar: No, they are allowed to go into them.

Chairman: This morning we are really considering the case of untouchables, and persons who are quite outside the Hindu temple scheme. I do not think we can go into the question of the backward classes, who would be admitted to the Hindu temples.

Sardar Mujumdar: What I submit is that there are various minorities

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even amongst the backward classes. We are not concerned with the question of suitability; we are here to safeguard the interests of all the minorities.

Chairman: Certainly.

Sardar Mujumdar: It was from that point of view that I asked the question.

Chairman: Let me relieve you at once. India is full of minorities, and you have mentioned some of them; but this morning we are considering the body of people called the depressed classes.

Sardar Mujumdar: Very well, Sir.

107. *Syed Miran Muhammad Shah:* You have just said that you want representation in proportion to what the Mahomedans get ?

Dr. Ambedkar: Yes.

108. Do you want them because Mahomedans get them ? Do you see any justice in that ?

Dr. Ambedkar: I see justice in that, I do not quite accept the principle of representation of minorities according to population of the legislature as though it was a museum in which we have only to keep so many specimens of so many communities. A Legislative Council is more than a museum, it is a place where, for instance, social battles have to be fought, privileges have to be destroyed, and rights have to be won. Now, if that is the conception of a Legislative Council, I do not think it at all in the fitness of things to confine the minority to proportional representation according to population, that means you are condemning a minority to be perpetually a minority without the power necessary to influence the actions in the majority.

109. Would you be satisfied if the franchise was reduced to local boards in the rural areas ?

Dr. Ambedkar: Well, I would really insist upon adult suffrage. The lower the franchise the better, on that principle I would accept any lowering, but I certainly would not say I would be content with that.

110. Would you then extend adult suffrage to the aboriginal tribes and to the criminal and hill tribes ?

Dr. Ambedkar: Yes, I think so.

111. You would?

Dr. Ambedkar: Yes.

112. Or would you like to exclude them and give them nomination and yourselves adult suffrage ?

Dr. Ambedkar: I will say one thing. With regard to the criminal tribes, it might not be a good thing to give them adult suffrage, because by occupation they are a people who have more the interest of their own particular community in their mind, and they are not very particular as regards the means whereby they earn their living; but I do not think there is any harm in giving aborigines the right to vote.

113. They should be given the right to vote, or should their interests be

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protected by nomination ?

Dr. Ambedkar: They should be protected somehow ; I do not much mind how. My feeling is that every man is intelligent enough to understand exactly what he wants. Literacy has not much bearing on this point; a man may be illiterate, none the less he may be very intelligent

114. Do not you think that this separate representation will lead to communal tension ? It is stated that communal tension is due to separate representation and separate electorates. Is that your belief ?

Dr. Ambedkar: Even assuming it does lead to tension I do not see how you can get rid of it. Whether it does lead to tension is questionable, but I do not see in any case how you can get rid of it, having regard to the fact that society is divided into classes and communities.

115. Do not you think it is the root cause of dissension ?

Dr. Ambedkar: I do not think so, but I do say this; as a result of communal representation, the leaders of the communities are less prone to compromise than they would otherwise be. That is my feeling, but I do not think it leads to communal riots, which are due, I think, to something very different

116. *Syed Miran Muhammad Shah:* Would you not suggest that by taking away the official bloc, non-officials may be nominated in order ?

Dr. Ambedkar: I do not want nomination.

117. *Major Attlee:* Are there members of the depressed classes working in industry, in the cotton mills and so on ?

Dr. Ambedkar: All of them. The depressed class men are all labourers.

118. You have not got my point; I am talking of industry. You have members of the depressed classes who work in villages, for the most part in certain occupations. But are there large numbers of the depressed classes engaged in industry ?

Dr. Ambedkar: A very large number.

119. You would have a very large number in a place like Bombay City?

Dr. Ambedkar: Yes.

120. Do they cease in any degree to be untouchable ?

Dr. Ambedkar: No, I should like to point out this. The depressed class man is entirely kept out of the weaving department, the most paying department. He can only enter departments like the throstle department and others.

121. Why?

Dr. Ambedkar: On account of untouchability.

122. When he is working there he is working alongside people of all castes?

Dr. Ambedkar: Not quite. The departments are discriminated according to castes. One department is entirely manned by the depressed classes;

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another—say the weaving department—by Mahomedans and caste Hindus.

123. Do they take part in the trade unions ?

Dr. Ambedkar: Yes, they are beginning to do so.

124. With members of the classes above the depressed classes ?

Dr. Ambedkar: Yes.

125. I wanted to get this point from you. You put forward a claim for representation of the depressed classes on the basis of numbers. Now, we have claims put forward on a different basis altogether; on, say, the labour basis. You get a cross-division in that way, because a man can be a depressed class man and he can also be a labourer ?

Dr. Ambedkar: He is usually, if not always, a labourer.

126. That is rather a play on words, is not it ? I am speaking of capital and labour, of labour in big- industries, not of the ordinary un-organised labour. I am speaking of organised labour. How are you going to get over the difficulty ? If you are going to have representation by social status in one case and by industry in another, you are going to get a cross-division. How will you get over that ?

Dr. Ambedkar: There will be some provision for organised labour, and the majority of the depressed classes are labourers.

127. *Mr. Hartshorn:* I think, Dr. Ambedkar, you have made it pretty clear that you are in favour of adult suffrage. You say on page 41 of your memorandum, however, “The Sabha would, however, be content if the franchise for the Legislative Council is fixed at the same level as that for the Taluka Local Board in the rural parts and Rs. 3 rental per month in the urban parts of the Presidency.” Have you formed any opinion, or are any statistics available to enable us to know to what extent the franchise would be extended on that qualification ?

Dr. Ambedkar: I may tell you that I am myself shaky about that statement. I do not mind admitting that. Such information as I have been able to gather from the depressed classes in the mofussils, however, leads me to believe that the existing taluka local franchise does produce a certain number of voters from the depressed classes.

128. I was not quite thinking of that. Could you tell us the increase in the number of persons who would become voters in the Bombay Presidency if this qualification rather than the present one were adopted ?

Dr. Ambedkar: I do not think I can give you any very definite information on this point.

129. May I revert to a question put to you by Major Attlee ? I gather the depressed classes work in the factories in isolation ?

Dr. Ambedkar: In isolation, yes.

130. They have their own shed and their own department ?

Dr. Ambedkar: Their own department; there are no sheds.

131. Whatever it is, they are separated from the other workers in the factory ?

Dr. Ambedkar: I would rather put it in this way, that certain

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departments are exclusively assigned to the depressed classes and certain departments are departments into which they are not allowed to enter.

132. Certain kinds of occupations are forbidden to them ?

Dr. Ambedkar: In the mills, yes.

133. I think you said they are not allowed to go into the weaving department ?

Dr. Ambedkar: Yes.

134. If they became members of the same trade union, would the workers in the weaving department decline to allow them in ?

Dr. Ambedkar: They would decline to allow them in. If I may mention one thing, in the recent Bombay strike this matter was brought up prominently by me. I said to the members of the union that if they did not recognise the right of the depressed classes to work all the departments, I would rather dissuade the depressed classes from taking part in the strike. They afterwards consented, most reluctantly, to include this as one of their demands, and when they presented this to the millowners, the millowners very rightly snubbed them and said that if this was an injustice, they certainly were not responsible for it.

135. It is not altogether merely a case of the employers wanting to get cheap labour and confining certain departments to the depressed classes for economic reasons ?

Dr. Ambedkar: No, it is untouchability.

136. Would there be anything of this in the situation ? The better-paid Indian, say, declines to allow the untouchable to come into his department for fear that the effect of their lower wages would be to depress wages in his department ?

Dr. Ambedkar: No. There is no distinction on the basis of wages.

137. That does not come into it at all ?

Dr. Ambedkar: No, not at all.

138. It is merely a question of untouchability ?

Dr. Ambedkar: Quite so.

139. *Mr. Cadogan:* They can be members of the trade union ?

Dr. Ambedkar: Yes.

140. *Mr. Premchand:* Can you give me a strict definition of the classes who will be on a special register of the electorate as the depressed classes ?

Dr. Ambedkar: Castes which cause pollution.

141. Is the principle that the lower the standing of a community the greater the electoral advantage it should command over others, justifiable ?

Dr. Ambedkar: Yes.

142. If all minorities are granted additional seats, what then will constitute the majority ?

Dr. Ambedkar: If minorities put together make up a majority there is no majority and the question does not arise. There may be class distinctions among the minorities. I can quite conceive the Mahomedans in the Bombay Presidency being divided into two groups, one favouring the capitalists and

one the labourers.

143. Is not it true that people who are not politically minded or trained are frequently led astray by professional leaders ?

Dr. Ambedkar: I do not know. I have never been a professional leader, so I cannot say.

144. Would not the extension of the franchise to the large majority of the uneducated section of society be fraught with danger and render it liable to abuse ?

Dr. Ambedkar: No, I do not think so.

145. Can you tell me why it is not possible to admit members of the depressed classes to our present schools and colleges without the necessity for a charge on the revenue of the Province ?

Dr. Ambedkar: Because they are hopelessly neglected under the present system.

146. Why is not. it possible to admit members of the depressed classes to our present schools and colleges without the necessity for a charge on the revenues of the Province ?

Dr. Ambedkar: You should ask those who refuse what their reason for refusal is.

147. Refusal of what ?

Dr. Ambedkar: To admit them.

148. To the colleges and schools ?

Dr. Ambedkar: Yes.

149. Do you know the Bombay Municipality has passed a rule now ?

Dr. Ambedkar: And you know also of the protest meeting which was held in Bombay.

150. There may have been a protest by one section, but the Municipality has removed all those restrictions ?

Dr. Ambedkar: It remains to be seen how far they will stick to it at the next election.

151. But they have done it, you know ?

Dr. Ambedkar: Yes.

152. *Chairman:* Might we know what is the protest meeting to which he refers ?

Dr. Ambedkar: The position is this. Hitherto the Bombay Municipality has had separate schools for the depressed classes in the City of Bombay. Now, under the scheme of compulsory primary education, the Bombay Municipality is compelled to limit the number of schools and bring together the scattered children of the depressed classes into the schools of the caste Hindus as a measure of economy. Naturally, some provision has to be made for water and other amenities for the children who attend. The question arose whether there should be a distinction in the drinking arrangements, whether the untouchables should have separate pots for drinking from the caste Hindus. The Municipality passed a resolution saying "We cannot recognise untouchability in our own schools," and they issued a circular

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that there should be no distinction as to drinking pots in their schools. This protest meeting was a meeting held under the presidency of an important Hindu leader of Bombay to protest against that kind of uniform arrangement being made, as being against the Hindu religion.

153. *Mr. Premchand:* Do you know the depressed classes are employed in the weaving departments of the Ahmedabad mills ?

Dr. Ambedkar: I did not know that.

154. I can tell you they are.

Dr. Ambedkar: There again I should like to say one thing, probably they are employed exclusively. I can quite conceive of a situation where, for instance, so many looms are exclusively handed over to the depressed classes. Today there is a proposal also in certain mills that the depressed classes should take charge of the whole of the weaving department, that the millowners should hand it over to them, but you cannot have part depressed classes and part caste Hindus.

155. *Chairman:* The difficulty is the mixture ?

Dr. Ambedkar: Yes.

156. *Sir Hari Singh Gour:* What is the view of your Institute in regard to the general scheme of constitutional reform ? Have you formulated any views at all on the subject ?

Dr. Ambedkar: I may tell you this. The depressed classes as such, of course, are not very much interested in constitutional questions ; they are more interested in obtaining the guarantees and protection they require, under whatever form of Government that may come to be. Therefore, I do not think that the depressed classes as such have any definite views as to the form of Provincial Government or the form of the Central Government; but, of course, I have my own individual views as a member of the depressed classes, without these being the views of the depressed classes themselves. It is on that account that nothing is said about the constitution in my memorandum.

157. I am aware of that, and that is why I asked you that question. What are your personal views ?

Dr. Ambedkar: So far as the Provincial Government is concerned, I am in favour of Provincial autonomy.

158. Qualified or unqualified ?

Dr. Ambedkar: I think there might be some safeguards with regard to the transfer of law and order. It is not that I object to the transfer of law and order; I am in favour of the transfer; but still I should like some safeguard. I am not certain today what it should be, but there might be with advantage some safeguard in that respect Barring that, I am in favour (speaking personally) of full Provincial autonomy.

159. What about the Central Government ?

Dr. Ambedkar: I think we might start with dyarchy there.

160. As regards adult suffrage, I suppose you are in favour of adult male and female suffrage ?

Dr. Ambedkar: Yes.

161. Do you think that is a practical proposition ?

Dr. Ambedkar: Very practical.

162. Do you think the masses have attained any degree of political consciousness, so as to be able to use that political suffrage with any advantage to their own community ?

Dr. Ambedkar: Speaking only on behalf of the depressed classes. I emphatically maintain that the depressed classes will exercise their vote in a most intelligent manner, speaking for the Bombay Presidency. Having regard to the fact that the canker of untouchability is before their minds every minute of their lives, and having regard to their being alive to the fact that political power is the only solvent of this difficulty, I emphatically maintain that the depressed class voter would be an intelligent voter.

163. Do not you think that, following the example of other countries, those who pay no taxes, having a political existence and possessing political power, will tax those who are already oppressed with heavy taxes ?

Dr. Ambedkar: I think that should be so. I do not see anything wrong in it.

164. You see no wrong in the exploitation of the tax paying community ? Is this your own opinion or the opinion of the Institute which you represent ?

Dr. Ambedkar: My own opinion. The Institute has said nothing about it here.

165. Do you think you reflect the general opinion of your Institute in conveying this view to the Commission ?

Dr. Ambedkar: I think that would be the view of all poor communities.

* * * * *

167. *Sir Hari Singh Gour:* In answer to the Chairman, you said the depressed classes must be regarded as a distinct community, a community distinct from the Hindu community. Do you apply that only for electoral purposes, or for all purposes ?

Dr. Ambedkar: They are distinct for all purposes, as a matter of fact

168. Would you class the depressed classes as real Hindus ?

Dr. Ambedkar: I do not care about the nomenclature. It does not matter whether I call myself a Hindu or a non-Hindu, as long as I am outside the pale of the Hindu community.

* * * * *

170. It makes all the difference in the world. If you were outside the pale of Hinduism you would not be subject to Hindu law. You could not, for instance, contract a marriage under the Act 30 of 1923, which has completely abolished all castes so far as the marriage law is concerned between a Hindu and a Mahar, touchable and untouchable. Now, if you go out of that community, out of that social system, and call yourself a non-Hindu, you will be outside the pale of Hindu law to that extent ?

Dr. Ambedkar: It might be.

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171. Then by what law would you be governed ?

Dr. Ambedkar: We are governed by the Hindu law, just as, for instance, the Khojas, who are Mahomedans, prefer to be governed by Hindu law so far as the devolution of property is concerned.

172. And you are under the Act 30 of 1923 ; you are under Hindu law ?

Dr. Ambedkar: I do not know what the depressed classes would think about marriage.

173. Would you kindly turn to your memorandum ? You say at page 39, and you also repeated it today in answer to my friend Mr. Kikabhai, “the standing of the community must mean its power to protect itself in the social struggle. That power would obviously depend upon the educational and economic status of the community.”

Dr. Ambedkar: Quite.

174. It follows from the recognition of the principle that the lower the standing of a community, the greater electoral advantage it must get over the rest. Do you adduce this last sentence as a logical deduction from the premises, from the previous two sentences ?

Dr. Ambedkar: Yes.

175. You regard that as a logical deduction ?

Dr. Ambedkar: Yes, quite.

176. I wish to draw your attention to the fact that you say :

“In addition to the demand for adequate representation, the Sabha feels that it must also demand the inclusion of clauses in the constitution of the country.” Now, amongst these clauses you find things like this mentioned:

“the right of every depressed class to the appointment of a special inspector of police from amongst themselves” ?

Dr. Ambedkar: Yes.

177. Do you expect that an Act of Parliament should contain a clause to this effect, that the depressed classes in India shall have an inspector of police in every district from amongst themselves ?

Dr. Ambedkar: I really do not see anything strange in that

178. Supposing there was a provision to that effect relating to all communities (because if you have got certain constitutional guarantees it follows by necessary implication that other communities have an equal right), then you parcel out all the official posts and you parcel out all the other things amongst the various communities, and that is the constitution that you foresee for India ?

Dr. Ambedkar: I do not know that. I am only speaking for the depressed classes. May I just make one thing clear ?

179. May I just complete my sentence ? That is a contingency that does not arouse any apprehension in your mind ?

Dr. Ambedkar: Just let me explain before you go further. I think we must be very careful in using the word “minority”. I do not think simply because a community happens to be a community composed of small numbers it is therefore necessarily a minority for political purposes.

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A minority which is oppressed, or whose rights are denied or the majority, would be a minority that would be fit for consideration for political purposes.

180. Wherever you have these minorities in other countries, there is provision made, there is sometimes a minister for the protection of minorities. Have you thought about that ?

Dr. Ambedkar: Yes.

181. Supposing we gave you the protection—the protection might be given in any form, and if I may say so ?

Dr. Ambedkar: I am sorry to interrupt you—I do find that the new constitutions that have been framed after the peace for the various European countries composing the bulk of the Slavonic nations very largely embody this principle. I have devoted some special attention to this subject, if you will permit me to say so.

182. *Lord Burnham:* And carried out ?

Dr. Ambedkar: And made part of the Constitution.

183. And carried out in practice too?

Dr. Ambedkar: Carried out in practice ; and the point is this, that if a minority feels that the guarantee has not been fulfilled, it has the right of appeal to the League of Nations.

* * * * *

186. I am not quarrelling with the principle ?

Dr. Ambedkar: And I may say I am not very particular about the form.

187. If the details of the scheme which you have adumbrated were to be introduced into the constitution of 'this country, would it not lead to a perpetual class war ?

Dr. Ambedkar: It might, but that would depend upon the attitude of the majority.

188. Therefore you would not, as a sagacious statesman ?

Dr. Ambedkar: If you will permit me to say so, all these things, though I insist upon them, I admit to be provisions of a transitory character. I do contemplate and I do desire, the time when India shall be one ; and I believe that a time will come when, for instance, all these things will not be necessary ; but all that would depend upon the attitude of the majority towards the minority.

* * * * *

198. Now, you mentioned a case that you conducted on behalf of a member of the depressed class, who, from fear of social ostracism, stood outside near the window. What district was it ?

Dr. Ambedkar: Khandesh district.

199. Ordinary Magistrate's Court ?

Dr. Ambedkar: The stipendiary Magistrate's Court.

200. What caste was the Magistrate ?

Dr. Ambedkar: A Hindu.

201. He did not object to the accused coming into the court ?

Dr. Ambedkar: No. I say the accused himself would not come in.

202. The accused himself was terrorised by the past acts of the Hindus ?

Dr. Ambedkar: Yes.

203. The fear had been engendered in the minds of the depressed classes on account of the oppression of the caste Hindus that he would not get a square deal thereafter if he was to trench upon the limited rights which he had been given by the caste Hindus ?

Dr. Ambedkar: Yes.

204. *Sir Hari Singh Gour:* I think you will admit, Dr. Ambedkar, that during the last few years there has been a forward movement in the way of removing untouchability and removing all disqualifications from the path of the depressed classes ?

Dr. Ambedkar: Yes.

205. I admit that the reforms have not been commensurate with your desires and mind, but at the same time, we have to recognise that there is a growing feeling that there must be a consolidation of the Hindu people by removing all these barriers that stand between the caste and the non-caste Hindus. You recognise that ?

Dr. Ambedkar: Yes, there are speeches from the platform.

206. There are positive actions ?

Dr. Ambedkar: Speaking for my part of the country, the Bombay Presidency, I would rather hesitate to accept your proposition.

207. Therefore, I will give you examples. Every year, for instance, wherever there is a caste and no-caste society, Hindus hold annual dinners, and they all sit together for the purpose of making one class of people accustomed to the other class of people ?

Dr. Ambedkar: I am not aware of it in this Presidency.

208. I have attended several of them.

Dr. Ambedkar: In this Presidency?

Sir Hari Singh Gour: No, in Nagpur.

209. There is no such movement here ? *Dr. Ambedkar:* No.

210. But you admit that there is recognition of the fact that oppression and untouchability must go, and that every effort to suggest anything in that way receives sympathetic consideration from the caste Hindus, and particularly from the Reformers ?

Dr. Ambedkar: I would hesitate, again, to answer that.

Chairman: Would you agree, in order to get this witness's view of the facts, that I should ask two or three questions on your line ? *Sir Hari Singh Gour:* Yes Sir, certainly.

211. *Chairman:* Mr. Rajah would be, in many ways, the best person to do it, but I wish you would tell us your own view. Compare twenty years ago with now in the Bombay Presidency. How many years, if I may ask, have you been here ?

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Dr. Ambedkar : Five or six years.

212. You have, of course, taken an interest in your own community since long before that ?

Dr. Ambedkar: Yes.

213. You can look back twenty years and give us some ideal ?

Dr. Ambedkar: Yes.

214. Let me take two or three things. First of all I imagine that there is no change at all so far as regards the admission of the depressed classes to the interior of a Hindu temple. That, of course, is a matter of religious practice and teaching. I do not criticise it, but there is no change at all ?

Dr. Ambedkar: No, there is no change at all in that respect.

215. What I want to know is this. Let us take two or three definite things in this Presidency. In the country districts, you have told us that as a rule the depressed classes, the untouchables, live in a place for themselves. Of course, we have seen it many times. Sometimes they live in a corner of the village, if it happens to be a Hindu village, and sometimes in a hamlet of their own. Now is there any change in the last twenty years as regards their living among the general communities ?

Dr. Ambedkar: No change.

216. We saw some of the villages the other day. We understand some of them can draw water from the river, but I suppose there are other villages that rely on wells ?

Dr. Ambedkar: Even in the case of rivers they can take water only from a portion of the river. A point on the river is appointed for them.

217. That is to say, the depressed classes will draw water at a point lower down than the caste Hindus ?

Dr. Ambedkar: Yes.

218. Now let us take the case of villages that rely on wells. It is not uncommon ?

Dr. Ambedkar: No, not uncommon.

219. I am anxious to know and I hope you will tell me quite frankly, is there in that respect any improvement in the last twenty years ?

Dr. Ambedkar: No.

220. Your attention has been called to the fact that there have been resolutions passed on this subject ?

Dr. Ambedkar: Yes, only resolutions.

221. It is suggested that untouchability sometimes goes to such a length that the actual contact with the man (or sometimes his shadow itself) is regarded socially by those of the higher castes as a pollution ?

Dr. Ambedkar: Yes.

222. Is there an improvement in that respect ?

Dr. Ambedkar: There is an improvement in that respect.

223. I am glad to hear that. That is, whereas 20 years ago a caste Hindu who found himself in close contact with an untouchable would possibly think it his religious duty to purify himself, it is not viewed with so much

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strictness now ; is that correct ?

Dr. Ambedkar: Yes.

224. Then, of course, as compared with twenty years ago I imagine that there are some members of the depressed classes who have in fact risen very much in the professional scale. Twenty years ago were there depressed classes who were practising at the Bar in Bombay ?

Dr. Ambedkar: No.

225. How many members of the depressed classes practise at the Bar now ?

Dr. Ambedkar: I am the only man.

226. I think we were told yesterday that in the list of voters for the Sardars and Inamdars there were two members of the depressed classes ?

Dr. Ambedkar: Only one. His position is different. His jagir was granted by the Peshwas for the services rendered on the battlefield. His title was not given by the British Government.

227. What one notices is that in India there is gradually being introduced the motor bus connecting the town with the village and I see them going along the road. Are those public vehicles open to the depressed classes ?

Dr. Ambedkar: Not in villages. There are a great many villages where the depressed classes are not allowed to travel in these buses

228. Who prevents them ?

Dr. Ambedkar: The driver would not take them.

229. One would expect the driver to take anybody who pays. Why does he not take them ?

Dr. Ambedkar: Because if he takes them the other people will not come into his car. For instance, the barber here would not shave my head even though I offer him a rupee.

230. *Rao Saheb Patil:* According to law the driver would be prosecuted if he refuses to take any passenger ?

Dr. Ambedkar: That can be evaded by saying that all seats are booked.

231. Are matters improving in that respect ?

Dr. Ambedkar: Yes, they are improving; but still there are numerous cases where the depressed classes would not be allowed to enter into these buses.

232. Let us take the depressed classes who are employed in the mills in Bombay. Some of them go in trams, I suppose. Do you suggest that they are not allowed to use the trams ?

Dr. Ambedkar: There was a case two years ago where a Bhungi was not allowed to board a tram.

233. When you speak of the case two years ago it suggests to me that it is rather exceptional than a rule ?

Dr. Ambedkar: I have seen, for instance, when I was travelling by the B.B. & C.I. Railway hundreds of cases where the passengers obstructed the depressed classes coming into the compartments.

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234. *Sir Hari Singh Gour*: With regard to the case of the Bhungi which you mentioned, are you sure if he was not properly attired and therefore he was not allowed to get into the tram ?

Dr. Ambedkar: I do not know about that.

235. Before a man gets into the tram he is not asked to which caste he belongs ; they only ask him whether he has got the fare, is it not ?

Dr. Ambedkar: But people can easily recognise him.

236. That is on account of his dress ?

Dr. Ambedkar: But he will be dealt with very badly when once he is recognised to belong to the depressed classes.

237. Apart from the question of caste there is also the question of costume ?

Dr. Ambedkar: Yes, but some of the members of the depressed class are very well dressed.

238. In the Bombay Presidency you have no such thing as to consider it a pollution to walk in the shadow of a depressed class member ?

Dr. Ambedkar: Yes, it exists in some parts of the Konkan and in Kathiawad.

239. It is on the wane ?

Dr. Ambedkar: Yes.

240. With regard to the Ambalal Sarlal School in Ahmedabad, has not his sister started the school for depressed classes ?

Dr. Ambedkar: That is the only honourable exception.

241. Is not the school maintained for the depressed classes from public funds ?

Dr. Ambedkar: I do not know that, but I know that that lady is taking interest in the elevation of the depressed classes.

242. *Chairman*: I understand it is an exceptional case ?

Dr. Ambedkar: Yes, it is quite an exceptional case.

243. *Dr. Suhrawardy*: In view of the instances of social ostracism and tyranny which you have just stated, do you not think that in a general election members of your community will be frightened out of the polling booths ?

Dr. Ambedkar: Yes, it may happen.

244. Also there is the further apprehension that the high caste-Hindus may refuse to come and participate in the elections where the untouchables go to record their votes ?

Dr. Ambedkar: They might; it is very difficult to say what might happen. We have cases, for instance, where the caste-Hindu members of district boards have left the premises because the depressed class members have claimed to sit at the table.

245. Do you not think that, in view of this state of affairs, it will be better for you to have a separate electorate because in practice it will mean a separate electorate even if you reserve your seats in a general electorates ?

Dr. Ambedkar: Yes.

246. *Rao Bahadur Rajah*: With reference to the question put by my friend, Sir Hari Singh Gour, regarding the costume of the depressed classes, did the barber refuse to shave your head because you were not well dressed ?

Dr. Ambedkar: No; it is because I belong to the depressed class.

247. Not on account of the dress you were wearing ?

Dr. Ambedkar: No.

248. With regard to another question put by another member of the Committee, may I ask you whether it is easy for a depressed class member in a village to file a suit against the owner of a bus because he has refused to take him ?

Dr. Ambedkar: It is not possible.

249. I understand that you have been taking very much interest in the uplift of the depressed classes. What has been your experience during your propaganda as to the help you receive in this work from the higher classes ? Do they help you to impress upon the depressed classes the need for greater sanitation, hygiene and such like things ?

Dr. Ambedkar: My experience, unfortunately, is rather very bitter in this matter. The depressed classes have been dubbed to be unfit for association because of certain unclean habits. That is the allegation of the upper classes. That is to say, they eat the meat of the dead animals and they are not clean, and so on. In this Presidency during the last two years I started a campaign to purify the depressed classes, so to say, and to persuade them to give up some of their dirty habits. But, to my great misfortune, I found the whole caste-Hindu population up against me when in a matter like this I expected the utmost co-operation from them. But when I began to analyse the basis of their opposition I found that they insisted upon the depressed class people doing the unclean things because giving up doing these things meant that the depressed classes were exceeding their social status and rivalling the upper class. For instance, in the Colaba and Ratnagiri districts the whole of the Mahar population have given up the eating of the meat of dead animals, but the tyranny and social oppression that is going on against them is simply unspeakable; there is a complete economic and social boycott. The lands they had been cultivating for years past have been taken away from them by their caste-Hindu landlords. Every sort of pressure, social and economic, has been brought to bear upon the depressed classes in order to compel them to resume their dirty habits. The officials, who are all caste-Hindus, give no protection to the depressed classes, whose condition has really become pitiable, and all this because they sought to give up their dirty habits. Instead of getting co-operation I find that the members of the upper classes are up against me, and they say "these evil habits of the depressed classes are all insignia of their inferiority and they must remain."

250. The other day we heard a witness say that there is not a single depressed class member on the sanitary boards. If what you have said

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just now with regard to the higher castes is true, is there any good in the depressed class members, being on these boards so far as their sanitary improvement is concerned ?

Dr. Ambedkar: I think the depressed class people ought to be represented on every local authority.

251. You told us just now that in the courts in this Presidency witnesses belonging to the depressed classes have no access. I want to be clear on that point. Do you mean to say that the members of the depressed class are not admitted into some of the courts ?

Dr. Ambedkar: Yes.

252. And I understand you to say that in a case the man did not dare go into the court, is that so ?

Dr. Ambedkar: The thing is the depressed class man is looked upon by the caste people as having a particular station in life, he exceeds that station in life when he enters the court, and if he exceeded that station in life they would begin to harass him. The man, if he exceeded the social limits, would subsequently suffer at the hands of the caste people. My protection in that particular case was only temporary protection and he knew it would cease as soon as the case was over.

253. If you had not been there and if he attempted to go into the court, what would have happened to him ?

Dr. Ambedkar: I think the same thing would have happened to me when I tried to enter a temple in Bombay.

254. Coming to medical relief, will you kindly enlighten us as to the kind of medical relief the depressed class men are getting ?

Dr. Ambedkar: They are not allowed entry into the dispensary, unless the case is a very very serious one; such as, for instance, the non-admission would bring the officer's conduct to the notice of the higher authorities. Ordinarily the medicine is dispensed out

255. *Chairman:* I suppose you are talking of dispensaries in the mofussil ?

Dr. Ambedkar: Yes, Government dispensaries.

256. They are, of course, in the department of the Minister of Medical Administration ?

Dr. Ambedkar: Yes.

257. I imagine that the regulations of the Minister provide that these dispensaries are open to everybody who goes ?

Dr. Ambedkar: Yes.

258. But you say that in the mofussil in fact it does not work out like that ?

Dr. Ambedkar: No.

Dr. Solanki: The Hindu medical man who is orthodox always takes objection to examine a man belonging to the depressed classes. There have been instances in Gujarat where the men have actually died from the want of medical relief. I know of instances where doctors have actually

refused even to touch the patient when he was suffering from pneumonia. The doctor would hand over the thermometer to a Mahomedan who does not know how to hold the thermometer and the Mahomedan would hand over the thermometer to the patient. This is a fact and it has happened.

259. What is important, I think, as I said before and I may repeat it, is to get a true picture. The thing may happen occasionally. I want to know whether what you are describing is quite an exceptional thing due to some particular doctor's objection or whether you think it is an everyday happening ?

Dr. Solanki: Doctors who are orthodox do it.

260. The difficulty about this thing is that the objection that is taken by the medical man is an objection based on his own religious views ?

Dr. Solanki: Yes.

261. *Rao Bahadur Rajah:* Have these facts been brought to the notice of the authorities concerned ?

Dr. Ambedkar: Yes.

262. What was the action they took ?

Dr. Ambedkar: The reply the Minister gave was that we had better depend on persuasion; that was the word he used.

Chairman: Would you do this for us, Rao Bahadur ? One hears of different aspects of this and I want to know the facts. What is the position about the depressed class children in the ordinary public schools in this province ? Would you ask the witness about that for me ?

263. *Rao Bahadur Rajah:* Will you kindly enlighten us as to the attitude of the schoolmasters or the Education Department or the managers of schools towards the children of the depressed classes ?

Dr. Ambedkar: There is a circular issued by Dr. Paranjpye when he was Minister of Education in this Presidency to the effect that children of depressed classes should be admitted in all schools. But our experience is that circular has not been carried out at all. It is true that in the report of the Director of Public Instruction it is stated that that circular has been carried into effect; but I beg to differ from that view. It is not a correct statement of facts as they exist today. There is an incident here at Poona which took place only a few days ago, at Deoo, where the children of the depressed classes were refused admission and when they insisted on it the village proclaimed social boycott against the depressed classes.

264. *Chairman :* The memorandum refers to that report ?

Dr. Ambedkar: Yes, that is not a correct statement of facts as I said. I beg to differ from that

265. *Rao Bahadur Rajah:* I understood from Mr. Griffith that in his view there are reasons why the depressed classes could not be taken into the police department as the duties of the police involved house searches and arrests. Supposing, for the sake of argument, that is true, would there be similar objection to the recruitment of the depressed class members to other subordinate and provincial services ?

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Dr. Ambedkar: Find that there are so many objections raised.

266. You are a member of the Local Legislative Council ?

Dr. Ambedkar: Yes.

267. What is your experience as regards the attitude of the higher caste members of the local Council towards your community ?

Dr. Ambedkar: One cannot say it is favourable to the depressed classes.

268. What is the attitude of the Government towards the members of your community in your Provinces ?

Dr. Ambedkar: Very apathetic.

269. I suppose you have got honorary bench magistrates' courts in this Presidency. Are there any members of the depressed classes on these boards ?

Dr. Ambedkar: There are none and we are trying to get some on the bench of magistrates, but without effect. Perhaps it might be interesting to the Conference if I read in this connection a letter written by the Collector of the Khandesh district to a member of the depressed classes when he applied for an appointment on the bench. This letter also gives the reasons why he should not be appointed to the place, and it reads thus :

“The Collector has every sympathy with the aspirations of the depressed classes and is glad to recognise and appreciate Mr. Medhe's good work in the various fields of public activities ; but in his opinion time has not yet come when a member of the depressed classes can be given a seat on the bench of magistrates, and, until the Government makes some pronouncement favourable to the aspiration of the depressed classes in this Presidency he must regretfully express his inability to recommend such an appointment” This letter is dated 25th September 1928.

270. I am sure you will agree with me that appointments to these bodies have nothing to do with the progress of the communities ?

Dr. Ambedkar: Nothing.

271. The sole consideration should be whether the individual candidate can discharge his duties with a sense of responsibility ?

Dr. Ambedkar: Yes.

272. *Lord Burnham:* I understood you to say that of all the methods to protect the interests of the depressed classes, you preferred the universal suffrage ?

Dr. Ambedkar: I would rather say adequate representation in the Legislative Council.

273. I understand you to say you were in favour of universal suffrage ?

Dr. Ambedkar: Yes.

274. If you have not got that you go in for separate electorates ? Supposing you cannot get either, are you still in favour of the principle of nomination ?

Dr. Ambedkar: No. I would insist on our representative being elected.

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275. If you cannot get the election on the terms proposed, you would prefer adult franchise ?

Dr. Ambedkar: Yes.

276. *Chairman:* You have spoken of your strong preference for the representation of the depressed classes being secured by the method of election. Are you satisfied, supposing the method was the method of election, that the result would be that you will get elected those who were really the best spokesmen for the depressed classes ?

Dr. Ambedkar: I believe so.

277. You do not feel anxious that influences which were really against the interests of the depressed classes will get to work ?

Dr. Ambedkar: I admit that and that is why I want adult suffrage.

278. You think that the influence will cease because of the adult suffrage ?

Dr. Ambedkar: That will be counterbalanced.

279. Supposing that a member of the depressed classes has the necessary qualification, does he vote in a general constituency ?

Dr. Ambedkar: He does.

280. Taking your case you will have a qualification to vote in some general constituency ?

Dr. Ambedkar: Yes ; I vote for the University constituency as also my friend.

281. How does the position stand about the paying of taxes ? A suggestion was made that depressed classes do not pay the taxes. Of course, it follows that, as regards the Customs duties and other indirect taxes which may raise the price of the articles, I suppose the depressed classes will have to pay the increased price like anybody else ?

Dr. Ambedkar: Yes. Also the depressed class men, particularly the Mahar community, is always in possession of some land of ordinary tenure or watan tenure at any rate, and they pay what is called the judi, that is the assessment, as anybody else.

282. I suppose that a good many Mahars follow the occupation of waiters in private service ?

Dr. Ambedkar: Yes, very few. But they mainly work in industries in the cities.

283. Take, for instance, a European private house or a club, they employ Mahars ?

Dr. Ambedkar: Yes.

284. Are those people qualified to vote in a general constituency or not?

Dr. Ambedkar: That will depend on the pitch of franchise.

285. As a rule the waiters would not have any qualification ?

Dr. Ambedkar: Yes, under the existing circumstances.

286. *Sardar Mujumdar:* Are you aware that saints from the depressed

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classes are revered by all classes, and high-class persons bow down before them as much as before such saints from higher classes ?

Dr. Ambedkar: There is only one case so far as I know.

287. But do they do so ?

Dr. Ambedkar: Yes, as they do the Mahomedan Pir.

288. Are you aware that untouchability is not observed in the Warkari Panth, i.e. the devotees of the God Vithoba at Pandharpur ?

Dr. Ambedkar: That is entirely incorrect.

289. Do you agree that there is a vast change during the last 25 years in the treatment accorded to the depressed classes, that the educated higher classes are trying to remove this evil of untouchability and mix with them quite freely and that there is a gradual change in the condition of the depressed classes and in the treatment accorded to them by the general educated public ?

Dr. Ambedkar: Yes, it is so, though the sympathy is only in words and is seldom translated into action.

290. Are you aware that in almost all villages the depressed class people are provided with wells meant only for their own use ?

Dr. Ambedkar: No.

291. Are there not such wells ?

Dr. Ambedkar: Not in every village.

292. Who are the depressed classes ? Will you please name the castes ?

Dr. Ambedkar: There is the census.

293. Do inter-marriages take place between the Mang and the Mahar castes ?

Dr. Ambedkar: No, the caste Hindus have spread their poison to the rest.

294. Do they dine together ?

Dr. Ambedkar: Yes, now-a-days. The movement for consolidation is going on and there is now a case of inter-marriage between a Mang and a Mahar.

295. Are there not two Inamdars in my constituency who belong to the depressed classes ?

Dr. Ambedkar: I do not know.

SECTION III

PROVINCIAL LEGISLATURE

CHAPTER I

FRANCHISE

34. My colleagues have recommended that the franchise in urban areas should remain as it is and that in rural areas the land revenue assessment should be halved. I am unable to agree to this. My colleagues have treated the question of franchise as though it was a question of favour rather than of right. I think that such a view is too dangerous to be accepted as the basis of political society in any country. For if the conception of a right to representation is to be dismissed as irrelevant; if a moral claim to representation is to be deemed as nothing but a metaphysical or sentimental obstruction; if franchise is considered a privilege to be given or withheld by those in political power according to their own estimate of the use likely to be made of it, then it is manifest that the political emancipation of the unenfranchised will be entirely at the mercy of those that are enfranchised. To accept such a conclusion is to accept that slavery is no wrong. For slavery, too, involves the hypothesis that men have no right but what those in power choose to give them. A theory which leads to such a conclusion must be deemed to be fatal to any form of popular Government, and as such I reject it in toto.

35. My colleagues look upon the question of franchise as though it was nothing but a question of competency to put into a ballot box a piece of paper with a number of names written thereon. Otherwise they would not have insisted upon literacy as a criterion for the extension of the franchise. Such a view of the franchise is undoubtedly superficial and involves a total misunderstanding of what it stands for. If the majority had before its mind the true conception of what franchise means they would have realised that franchise, far from being a transaction concerned with the marking of the ballot paper, “stands for direct and active participation in the regulation of the terms upon which associated life shall be sustained and the permit of good carried on.” Once this conception of franchise is admitted, it would follow that franchise is due to every adult who is not a lunatic. For, associated life is shared by every individual and as every individual is affected by its consequences, every individual must

have the right to settle its terms. From the same premises it would further follow that the poorer the individual the greater the necessity of enfranchising him. Form in every society based on private property the terms of associated life as between owners and workers are from the start set against the workers. If the welfare of the worker is to be guaranteed from being menaced by the owners the terms of their associated life must be constantly resettled. But this can hardly be done unless the franchise is dissociated from property and extended to all propertyless adults. It is therefore clear that judged from either point of view the conclusion in favour of adult suffrage is irresistible. I accept that conclusion and recommend that the franchise should be extended to all adults, male and female, above the age of 21.

36. Political justice is not the only ground for the introduction of adult suffrage. Even political expediency favours its introduction. One of the reasons why minorities like the Mohamedan insist upon communal electorates is the fear that in a system of joint electorates the voters of the majority community would so largely influence the election that seats would go to men who were undesirable from the standpoint of the minority. I have pointed out in a subsequent part of the report that such a contention could be effectively disposed of by the introduction of adult suffrage. The majority has given no thought to the importance of adult suffrage as an alternative to communal electorates. The majority has proceeded as though communal electorates were a good to be preserved and have treated adult suffrage as though it was an evil to be kept within bonds. My view of them is just the reverse. I hold communal electorates to be an evil and adult suffrage to be a good. Those who agree with me will admit that adult suffrage should be introduced not only because of its inherent good but also because it can enable us to get rid of the evil of communal electorates. But even those whose political faith does not include a belief in adult suffrage, will, I am sure, find no difficulty in accepting this view. For it is only commonsense to say that a lesser evil is to be preferred to a greater evil and there is no doubt that adult suffrage, if it is at all an evil, is a lesser evil than communal electorates. Adult suffrage, which is supported by political justice and favoured by political expediency, is also, I find, demanded by a substantial body of public opinion. The Nehru Committee's report, which embodies the views of all the political parties in India except the Non-Brahmins and the Depressed Classes, favours the introduction of adult suffrage. The Depressed Classes have also insisted upon it The Sindh Mohamedan Association, one Mohamedan member and one Non-Brahmin member of the Government of Bombay, have expressed themselves in favour of it. There is thus a considerable volume of public opinion in support of adult franchise. My colleagues give no reason why they have ignored this volume of public opinion.

37. Two things appear to have weighed considerably with my colleagues in their decision against the introduction of adult suffrage. One

is the extent of illiteracy prevalent in the country. No one can deny the existence of illiteracy among the masses of the country. But that this factor should have any bearing on the question of franchise is a view the correctness of which I am not prepared to admit. First of all, illiteracy of the illiterate is no fault of theirs. The Government of Bombay for a long time refused to take upon itself the most important function of educating the people, and, when it did, it deliberately confined the benefit of education to the classes and refused to extend it to the masses.*

38. It was not until 1854, that Government declared itself in favour of mass education as against class education. But the anxiety of Government for the spread of education among the masses has gone very little beyond the passing of a few resolutions. In the matter of financial support Government always treated education with a most niggardly provision. It is notorious, how Government, which is always in favour of taxation refused to consent to the proposal of the Honourable Mr. Gokhale for compulsory primary education, although it was accompanied by a measure of taxation. The introduction of the Reform has hardly improved matters. Beyond the passing of a Compulsory Primary Education Act in the Presidency there has not been any appreciable advance in the direction of mass education. On the contrary there has been a certain amount of deterioration owing to the transfer of education to local authorities which are manned, comparatively speaking, by people who being either indifferent or ignorant, are seldom keen for the advancement of education.*

39. In the case of the Depressed Classes the opportunity for acquiring literacy has in fact been denied to them. Untouchability has been an insuperable bar in their way to education. Even Government has bowed before it and has sacrificed the rights of the Depressed Classes to admission in public schools to the exigencies of the social system in India. In a resolution of the year 1856 the Government of Bombay in rejecting the petition of a Mahar boy to a school in Dharwar observed :

“The question discussed in the correspondence is one of very great practical difficulty.....

“1. There can be no doubt that the Mahar petitioner has abstract justice in his side; and Government trust that the prejudices which at present prevent him from availing himself of existing means of education in Dharwar may be are long removed.

“2. But Government are obliged to keep in mind that to interfere with the prejudices of ages in a summary manner, for the sake of one or few individuals, would probably do a great damage to the cause of education. The disadvantage under which the petitioner labours is not one which has originated with this Government, and it is one which

*Lest this fact should be regarded as a fiction, I invite attention to the extracts from the Report of the Board of Education of the Bombay Presidency for the year 1850-51. (These extracts are printed at the end of this report as Appendix at pages 402-06.—*Editor*)

Government cannot summarily remove by interfering in his favour, as he begs them to do.”

The Hunter Commission which followed after the lapse of 26 years did say that Government should accept the principle that nobody be refused admission to a Government College or School merely on the ground of caste. But it also felt it necessary to say that the principle should “be applied with due caution” and the result of such caution was that the principle was never enforced. A bold attempt was, no doubt, made in 1921 by Dr. Paranjpye, when he was the Minister of Education. But as his action was without any sanction behind it, his circular regarding admission of the Depressed Classes to Schools is being evaded, with the result that illiteracy still continues to be a deplorable feature of the life of the Depressed Classes.

40. To the question that is often asked how can such illiterate people be given the franchise, my reply therefore is, who is responsible for their illiteracy? If the responsibility for illiteracy falls upon the Government, then to make literacy a condition precedent to franchise is to rule out the large majority of the people who, through no fault of their own, have never had an opportunity of acquiring literacy provided to them. Granting that the extension of franchise must follow the removal of illiteracy what guarantee is there that efforts will be made to remove illiteracy as early as possible? The question of education like other nation-building questions is ultimately a question of money. So long as money is not forthcoming in sufficient amount, there can be no advance in education. How to find this money is therefore the one question that has to be solved. That a Council elected on the present franchise will never be in a position to solve the problem is beyond dispute. For the simple reason that money for education can only be provided by taxing the rich and the rich are the people who control the present Council. Surely the rich will not consent to tax themselves for the benefit of the poor unless they are compelled to do so. Such a compulsion can only come by a radical change in the composition of the Council which will give the poor and illiterate adequate voice therein. Unless this happens the question of illiteracy will never be solved. To deny them that right is to create a situation full of injustice. To keep people illiterate and then to make their illiteracy the ground for their non-enfranchisement is to add insult to injury. But the situation indeed involves more than this. It involves an aggravation of the injury. For to keep people illiterate and then to deny them franchise which is the only means whereby they could effectively provide for the removal of their illiteracy is to perpetuate their illiteracy and postpone indefinitely the day of their enfranchisement.

41. It might be said that the question is not who is responsible for illiteracy; the question is whether illiterate persons should be given the right to vote. My answer is that the question cannot be one of literacy or illiteracy: the question can be of intelligence alone. Those who insist on literacy as a test and insist upon making it a condition precedent to enfranchisement in

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my opinion, commit two mistakes. Their first mistake consists in their belief that an illiterate person is necessarily an unintelligent person. But everyone knows that, to maintain that an illiterate person can be a very intelligent person, is not to utter a paradox. Indeed an appeal to experience would fortify the conclusion that illiterate people all over the world including India have intelligence enough to understand and manage their own affairs. At any rate the law presumes that above a certain age every one has intelligence enough to be entrusted with the responsibility of managing his own affairs. The illiterate might easily commit mistakes in the exercise of the franchise. But then the Development Department of Bombay has fallen into mistakes of judgment equally great which though they are condemned, are all the same tolerated. And even if they fall into greater errors it may still be well that they should have franchise. For all belief in free and popular Government rests ultimately on the conviction that a people gains more by experience than it loses by the errors of liberty and it is difficult to perceive why a truth that holds good of individuals in non-political field should not hold good in the political field Their second mistake lies in supposing that literacy necessarily imports a higher level of intelligence or knowledge than what the illiterate possesses. On this point the words of Bryce might be quoted. In his survey of "Modern Democracies" he raises the question how far ability to read and write goes towards civic competence and answers thus : "Because it is the only test practically available, we assume it to be an adequate test. Is it really so ? Some of us remember, among the English rustics of sixty years ago shrewd men, unable to read but with plenty of mother wit, and by their strong sense and solid judgment quite as well qualified to vote as are their grand-children today who read a newspaper and revel in the cinema.....The Athenian voters.....were better.....fitted for civic franchise than most of the voters in modern democracies. These Greek voters learnt politics not from the printed and, few even from any written page, but by listening to accomplished orators and by talking to one another. Talking has this advantage over reading, that in it mind is less passive. It is thinking that matters, not reading, and by thinking, I mean the power of getting at facts, and arguing consecutively from them. In conversation there is a clash of wits, and to that some mental exertion must go.....But in these days of ours reading has become substitute for thinking. The man who reads only the newspaper of his own party, and reads its political intelligence in a medley of other stuff, narratives of crimes and descriptions of football matches, need not know that there is more than one side to a question and seldom asks if there is one, nor what is the evidence for what the paper tells him. The printed page, because it seems to represent some unknown power, is believed more readily than what he hears in talk. He takes from it statements, perhaps groundless, perhaps invented, which he would not take from one of his fellows in the workshop or the counting house. Moreover, the Tree of Knowledge is the Tree of the Knowledge of Evil as well as of Good. On the Printed Page Truth

has no better chance than Falsehood, except with those who read widely and have the capacity of discernment. A party organ, suppressing some facts, misrepresenting some others, is the worst of all guides, because it can by incessantly reiterating untruth produce a greater impression than any man or body of men, save only ecclesiastics clothed with a spiritual authority, could produce before printing was invented. A modern voter so guided by his party newspapers is no better off than his grandfather who eighty years ago voted at the bidding of his landlord or his employer or (in Ireland) of his Priest. The grandfather at least knew whom he was following, while the grandson, who only reads what is printed on one side of a controversy may be the victim of selfish interests who own the organs which his simplicity assumes to express public opinion or to have the public good at heart. So a democracy that has been taught only to read and not also to reflect and judge, will not be better for the ability to read.”

42. It seems to me that too much is being made out of the illiteracy of the masses in India. Take the English voter and inquire into his conduct as a voter and what do we find ? This is what the Times Literary Supplement of August 21, 1924, says about him :

“The mass of the people have no serious interest. Their votes decide all political issues, but they know nothing of politics. It is a disquieting, but too well-founded reflection that the decision about tariff reform or taxation or foreign policy is now said by men and women who have never read a dozen columns of serious politics in their lives. Of the old narrow electorate of eight years ago probably at least two-thirds eagerly studied political speeches on the question of the day. Today not five per cent, of the voters read either debates or leading articles. The remnant, however remarkable, is small. Democracy as a whole is as content with gross amusement as Bottles was with vulgar ones, and like him it leases his mind to its newspaper which makes his Sundays much more degrading than those which he spent under his Baptist Minister. This is the atmosphere against whose poisonous gases the schools provide in vain the helmet of their culture.”

43. Surely if British Democracy — say the British Empire is content to be ruled by voters such as above, it is arguable that Indians who are opposed to adult suffrage are not only unjust and visionaries but are protesting too much and are laying themselves open to the charge that they are making illiteracy of the masses an excuse to pocket their political power. For, to insist that a thorough appreciation of the niceties of political creeds and the ability to distinguish between them are necessary tests of political intelligence is, to say the least, hypercritical. On small political questions no voter, no matter in what country he is, will ever be accurately informed. Nor is such minute knowledge necessary. The most that can be expected from the elector is the power of understanding broad issues and of choosing the candidate who in his opinion will serve him best. This, I make bold to say, is not beyond the capacity of an average Indian.

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44. The other thing which apparently weighed with my colleagues in refusing to accept adult suffrage is the analogy of the countries like England. It is argued that the extension of the franchise from forty shilling freehold in 1429 to adult suffrage in 1832 there were less than 500,000 persons who had the right to vote in the election of members of Parliament; that it was not until the Reform Act of that year that the number of voters was increased to nearly 1,000,000 ; that no further step was taken to lower the franchise till the passing of the Act of 1867 which increased it to 2,500,000 ; that the next step was taken 17 years after when the Act of 1884 increased it again to 5,500,000 ; and that adult suffrage did not come till after a lapse of 34 years when People's Representation Act of 1918 was passed. This fact has been used for very different purposes by different set of peoples. A set of politicians who are social Tories and political radicals use this in support of their plea that the legislature can be given full powers although it may not be fully representative and in reply to this argument of their opponents that the transference of power to a legislature so little representative will be to transfer it to an oligarchy. By others in support of their plea that in the matter of franchise we must proceed slowly and go step by step as other nations have done. To the second group of critics my reply is that there is no reason why we should follow in the foot steps of the English nation in this particular matter. Surely the English people had not devised any philosophy of action in the matter of franchise. On the other hand, if the extension was marked by such long intervals it was because of the self-seeking character of the English ruling classes. Besides, there is no reason why every nation should go through the same stages and enact the same scenes as other nations have done. To do so is to refuse to reap the advantage which is always open to those who are born later. To the other section of critics my reply is that their contention as a fact is true, that Parliament did exercise full powers of a sovereign state even when it represented only a small percentage of the population. But the question is with what results to the nation ? Anyone who is familiar with the history of social legislation by the unreformed Parliament as told by Lord Shaftesbury certainly will not wish the experiment to be repeated in this country. This result was the inevitable result of the restricted franchise which obtained in England. The facts relied upon by these critics in my opinion do not go to support a government based upon a restricted franchise is a worse form of government in that it gives rise to the rule of oligarchy. Such a result was never contemplated by the authors of the Joint Report. Indeed they were so conscious of the evil that in paragraph 262 of their Report they were particular enough to say that among the matters for consideration the Statutory Commission should consider the working of the franchise and the constitution of electorates, including the important matter of the retention of communal representation. "Indeed we regard the development of a broad franchise as the arch on which the edifice of self-government must be raised : for we have no intention that our reforms should result merely in the transfer of powers from a bureaucracy to an oligarchy."

45. What is however the remedy for preventing oligarchy? The only remedy that I can think of is the grant of adult suffrage. It is pertinent to remark that the members of the Ceylon Commission of 1928 who like the authors of the Joint Report were conscious that “the grant of a responsible government to an electorate of these small dimensions would be tantamount to placing an oligarchy in power without any guarantee that the interests of the remainder of the people would be consulted by those in authority” and who felt it “necessary to observe that His Majesty’s Government is the trustee not merely of the wealthier and more highly educated elements in Ceylon but quite as much of the peasant and the coolie, and of all those poorer classes which form the bulk of the population” and who held that “to hand over the interests of the latter to the unfettered control of the former would be a betrayal of its trust,” came “to the conclusion that literacy should not remain as one of the qualifications for voters at election of State Council.” They said “the development of responsible government requires, in our opinion, an increasing opportunity to the rank and file of the people to influence the Government and the franchise cannot be fairly or wisely confined to the educated classes.” If adult franchise can be prescribed for Ceylon the question that naturally arises is why should it not be prescribed for India? Similarity in the political, social, economic, and educational conditions of the two countries is so striking that to treat them differently in the matter of franchise is to create a distinction when there is no real difference to justify the same. Analogy apart and considering the case purely on merits it is beyond doubt that of the two if any one of them is more fitted to be trusted with the exercise of adult it is the people of India and more so the people of the Bombay Presidency wherein the system of adult suffrage is already in vogue in the village panchayats.

CHAPTER 2

ELECTORATES

46. The existing Legislative Council is composed of 114 members, of whom 26 are nominated and 86 are elected. The nominated members fall into two groups (a) officials to represent the reserved half of the Government and (b) the non-officials to represent (1) the Depressed Classes, (2) Labouring Classes, (3) Anglo-Indians, (4) Indian Christians and (5) the Cotton Trade. Of the elected members (1) some are elected by class-electrates created to represent the interests of the landholders, commerce and industry, (2) some by reserved electorates for Maratha and allied castes and the rest, (3) by communal electorates which are instituted for the Muhammadans and the Europeans. The question is whether this electoral structure should be preserved without alteration. Before any conclusion can be arrived at, it is necessary to evaluate it, in the light of considerations both theoretical as well as practical.

Nominated members

47. Against the nominated members it is urged that their presence in the Council detracts a great deal from its representative character. Just as the essence of responsible self-government is the responsibility of the Executive to the Legislature, so the essence of representative government lies in the responsibility of the legislature to the people. Such a responsibility can be secured only when the legislature is elected by the people. Not only does the system of nominated member make the house unrepresentative, it also tends to make the Executive irresponsible. For by virtue of the power of nominations, the Executive on whose advice that power is exercised, appoints nearly 25 per cent, of the legislature with the result that such a large part of the house is in the position of the servants of the Executive rather than its critics. That the nominated non-officials are not the servants of the Government cannot go to subtract anything from this view. For the nominated non-official can always be bought and the Executive has various ways open to it for influencing an elected member with a view to buy up his independence. A direct conferment of titles and honours upon a member, or bestowal of patronage on his friends and relatives, are a few of such methods. But the nominated non-official members are already in such an abject state of dependence that the Executive has not to buy their independence. They never have any independence to sell. They are the creatures of the Executive and they are given seats on the understanding, if not on the condition, that they shall behave as friends of the Executive. Nor is the Executive helpless against a nominated member who has the audacity to break the understanding. For, by the power of renomination which the Executive possesses, it can inflict the severest penalty by refusing to renominate him and there are instances where it has inflicted that punishment. Like the King's veto, the knowledge that this power to renominate exists, keeps every nominated member at the beck and call of the Executive.

48. Another evil arising from the system of nomination must also be pointed out. The nominated non-official members were to represent the interests of certain communities for whose representation the electoral system as devised, was deemed to be inadequate just as the nominated official members were appointed to support the interests of government. The regrettable thing is that while the nominated officials served the interests of government, the nominated non-officials failed to serve the interests of their constituents altogether. Indeed a nominated non-official cannot serve his community. For more often than not the interests of the communities can only be served by influencing governmental action, and this is only possible when the Executive is kept under fire and is made to realise the effects of an adverse vote. But this means is denied to a nominated member by the very nature of his being, with the result that the Executive, being assured of his support, is indifferent to his cause and the nominated member, being denied his independence, is helpless to effect any change in

the situation of those whom he is nominated to represent. Representation by nomination is thus no representation. It is only mockery.

49. Another serious handicap of the system of nomination is that the nominated non-officials are declared to be ineligible for ministership. In theory there ought not to be limitations against the right of a member of the legislature to be chosen as a minister of an administration. Even assuming that such a right is to be limited, the purpose of such limitation must be the interests of good and efficient administration. Not only that is not the purpose of this limitation but that the limitation presses unequally upon different communities owing to the difference in the manner of their representation and affects certain communities which ought to be free from its handicap. Few communities are so greatly in need of direct governmental action as the Depressed Classes for effecting their betterment. It is true that no degree of governmental action can alter the face of the situation completely or quickly. But making all allowance for this, no one can deny the great benefits that wise legislation can spread among the people. All these classes do in fact begin and often complete their lives under a weight of inherited vices and social difficulties, for the existence of which society is responsible, and of the mitigation of which much can be done by legislation. The effect of legislation to alter the conditions under which the lives of individuals are spent has been recognised everywhere in the world. But this duty to social progress will not be recognised unless those like the Depressed Classes find a place in the Cabinet of the country. The system of nomination must therefore be condemned. Its only effect has been to produce a set of eventually subordinate the care of the constituents to the desire for place.

Elected members

50. *Class Electorates*—These class electorates a heritage of the Morley-Minto Reforms. The Morley-Minto Scheme was an attempt at make-believe. For under it the bureaucracy without giving up its idea to rule was contriving to create legislatures, by arranging the franchise and the electorates in such a manner as to give the scheme the appearance of popular rule without the reality of it. To such a scheme of things, these class electorates were eminently suited. But the Montagu Chelmsford Scheme was not a make-believe. It contemplated the rule of the people. Consequently it was expected to suggest the abolition of such class electorates. Owing, however, to the powerful influence, which these classes always exercised, the authors of the Report were persuaded to recommend their continuance, which recommendation was given effect to by the South-borough Committee. Whatever the reason that led to the retention of these class electorates, there is no doubt that their existence cannot be reconciled with the underlying spirit of popular government. Their class character is a sufficient ground for their condemnation. In a deliberative assembly like the legislature, where questions of public interest are decided

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in accordance with public opinion, it is essential that members of the Council who take part in the decision should each represent that opinion. Indeed no other person can be deemed to be qualified to give a decisive vote on the issues debated on the floor of the house. But the representatives of class interests merely reflect the opinions one might say, the prejudices of their class, and should certainly be deemed to be disqualified from taking part in the decision of issues which lie beyond the ambit of the interests of their class. Notwithstanding their class character as members of legislature they acquire the competence to vote upon all the issues whether they concern their own class or extend beyond. This, in my opinion, is quite subversive of the principle of popular government. It might be argued that representatives of such class interests are necessary to give expert advice on those sectional issues with which the unsectional house is not familiar. As against this, it is necessary to remember that in a democracy, the ultimate principle is after all self-government and that means that final decision on all matters must be made by popularly elected persons and not by experts. It is moreover not worthy that the advice of such people is not always serviceable to the house. For, their advice invariably tends to become eloquent expositions of class ideology rather than careful exposition of the formulae in dispute.

51. Assuming, however, that it is necessary either to safeguard the interests of these classes or to tender advice to the house on their behalf, it is yet to be proved that these interests will not secure sufficient representation through general electorates. Facts, such as we have, show that they can. Taking the case of the Inamdars, though they have been given three seats through special electorates of their own, they have been able to secure 12 seats through the general electorates. Indeed by virtue of the solidarity which they have with other landholding members of the Council, they felt themselves so strong in numbers that only a few months back they demanded a ministerial post for the leader of their class. Besides, it is not true that without class-electoralates there will be no representation of the interests of these classes in the Council. Such interests will be amply safeguarded by a member belonging to that class, even if he is elected by a general constituency. This will be clear if we bear in mind that a member taking his seat in the legislature, although he represents directly his constituency, yet indirectly he does represent himself and to that extent also his class. Indeed, from the very nature of things this tendency on the part of a member, indirectly to represent himself, although it might be checked, controlled and over-ruled, so surely manifests itself that it throws, and must necessarily throw, direct representation into the background. No one for instance can believe that a European gentleman representing a Chamber of Commerce will only represent the interests of commerce and will not represent the interests of the European community because he is elected by a Chamber of Commerce and not by the general European community. It is in the nature of things that a man's self should be nearer

to him than his constituency. There is a homely saying that a man's skin sits closer to him than his shirt and without any imputation on their good faith so it is with the members of the legislature. It is the realisation of this fact which has led the English people who at one time wished that the shipping trade, the woollen trade and the linen trade should each have its spokesman in the House of Commons, to abandon the idea of such class-electoralates. It is difficult to understand why a system abandoned elsewhere should be continued in India. It is not necessary in the interests of these classes and it is harmful to the body politic. The only question is whether or not persons belonging to the commercial and individual classes can secure election through the general constituencies. I know of nothing that can be said to handicap these classes in the race of election. That there is no handicap against them is proved by the success of Sardars and Inamdars in general election. Where Inamdars and Sardars have succeeded there is no reason why representatives of commerce and industry should not.

52. *Reserved Electoralates*—Three objections can be raised against the system of reserved electoralates. One is that it seeks to guarantee an electoral advantage to a majority. It is true that the Marathas and the allied castes form a majority in the Marathi speaking part of the Presidency both in population as well as in voting strength and as such deserve no political protection. But it must be realised that there is all the difference in the world between a power informed and conscious of its strength and power so latent and suppressed that its holders are hardly aware of that they may exercise it. That the Marathas and the allied castes are not conscious of their power, is sufficiently evident if we compare the voting strength of the Marathas and the allied castes in those constituencies wherein, seats are reserved for them, with the rank of their representatives among the different candidates contesting the elections. In every one of such constituencies the Maratha voters, it must be remembered, have a preponderance over the voters of other communities. Yet in the elections of 1923 and 1926, out of the seven seats allotted to them, they could not have been returned in three had it not been for the fact that the seats were reserved for them. It is indeed strange that the candidates of a community which is at the top in the electoral roll, should find themselves at the bottom, almost in a sinking position. This strange fact is only an indication that this large community is quite unconscious of the power it possesses, and is subject to some influence acting upon it from without.

53. The second ground of objection, urged by the members of the higher classes who are particularly affected by the system of reserved seats, is that it does an injustice to them in that it does not permit them the benefit of a victory in a straight electoral fight. It is true that the system places a restriction upon the right of the higher classes to represent the lower classes. But is there any reason why "the right to represent," as distinguished from "a right to representation," should be an unrestricted right? Modern

politicians have spent all their ingenuity in trying to find out the reason for restricting the right to vote. In my opinion there is a greater necessity why we should strive to restrict the right of a candidate to represent others. Indeed, there is no reason why the implications of the representative function should not define the condition of assuming it. It would be no invasion of the right to be elected to the Legislature to make it depend, for example, upon a number of years' service on a local authority and to rule out all those who do not fulfil that condition. It would be perfectly legitimate to hold that that service in a legislative assembly is so important in its results, that proof of aptitude and experience must be offered before the claim to represent can be admitted. The argument for restricting the rights, of the higher classes to represent the lower classes follows the same line. Only it makes a certain social attitude as a condition precedent to the recognition of the right to represent. Nor can it be said that such a requirement is unnecessary. For aptitude and experience are not more important than the social attitude of a candidate towards the mass of men whom he wishes to represent. Indeed, mere aptitude and experience will be the cause of ruination if they are not accompanied and regulated by the right sort of social attitude. There is no doubt that the social attitude of the higher classes towards the lower classes is not of the right sort. It is no doubt always said to the credit of these communities that they are intellectually the most powerful communities in India. But it can with equal truth be said that they have never utilised their intellectual powers to the services of the lower classes. On the other hand, they have always despised, disregarded and disowned the masses in belonging to a different strata, if not to a different race than themselves. No class has a right to rule another class, much less a class like the higher classes in India. By their code of conduct, they have behaved as the most exclusive class steeped in its own prejudices and never sharing the aspirations of the masses, with whom they have nothing to do and whose interests are opposed to theirs. It is not, therefore, unjust to demand that a candidate who is standing to represent others shall be such as shares the aims, purposes and motives of those whom he desires to represent

54. The third objection to the system of reserved electorates is that it leads to inefficiency inasmuch as a candidate below the line gets the seat in supersession of a candidate above the line. This criticism is also true. But here, again, there are other considerations which must be taken into account. First of all, as Professor Dicey rightly argues, "it has never been a primary object of constitutional arrangement to get together the best possible Parliament in intellectual capacity. Indeed, it would be inconsistent with the idea of representative government to attempt to form a Parliament far superior in intelligence to the mass of the nation." Assuming, however, that the displacement of the intellectual classes by the candidates belonging to the non-intellectual classes is a loss, that loss will be more than amply recompensed by the natural idealism of the backward communities. There

is no doubt that the representatives of the higher orders are occupied with the pettiest cares and are more frequently concerned with the affairs of their own class than with the affairs of the nation. Their life is too busy or too prosperous and the individual too much self-contained and self-satisfied for the conception of the social progress to be more than a passing thought of a rare moment. But the lower orders are constantly reminded of their adversity, which can be got over only by a social change. The consciousness of mutual dependence resulting from the necessities of a combined action makes for generosity, while the sense of untrained powers and of undeveloped faculties gives them aspirations. It is to the lower classes that we must look for the motive power for progress. The reservation of seats to the backward Hindu communities makes available for the national service such powerful social forces, in the absence of which any Parliamentary government may be deemed to be poorer.

55. *Communal Electorates*—That some assured representation is necessary and inevitable to the communities in whose interests communal electorates have been instituted must be beyond dispute. At any rate, for some time to come the only point that can be open to question is, must such communal representation be through communal electorates? Communal electorates have been held by their opponents to be responsible for the communal disturbances that have of late taken place in the different parts of the country. One cannot readily see what direct connection there can be between communal electorates and communal disturbances. On the contrary it has been argued that by satisfying the demand of the Mohamedans, communal electorates have removed one cause of discontent and ill-feeling. But it is equally true that communal electorates do not help to mitigate communal disturbances and may in fact help to aggravate them. For communal electorates do tend to the intensification of communal feeling and that they do make the leaders of the two communities feel no responsibility towards each other, with the result that instead of leading their people to peace, they are obliged to follow the momentary passions of the crowd.

56. The Mohamedans who have been insisting upon the retention of the communal electorates take their stand on three grounds.

57. In the first place they say that the interests of the Mohamedan community are separate from those of the other communities, and that to protect these interests they must have separate electorates. Apart from the question whether separate electorates are necessary to protect separate interests, it is necessary to be certain that there are any interests which can be said to be separate in the sense that they are not the interests of any other community. In the secular, as distinguished from the religious field, every matter is a matter of general concern to all. Whether taxes should be paid or not, if so, what and at what rate; whether national expenditure should be directed in any particular channel more than any other; whether education should be free and compulsory; whether Government lands should

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be disposed of on restricted tenure or occupancy tenure ; whether State aid should be granted to industries ; whether there should be more police in any particular area ; whether the State should provide against poverty of the working classes by a scheme of social insurance against sickness, unemployment or death ; whether the administration of justice is best served by the employment of honorary magistrates, and whether the code of medical ethics or legal ethics should be altered so as to produce better results, are some of the questions that usually come before the Council. Of this list of questions, is there any which can be pointed out as being the concern of the Mohamedan community only ? It is true that the Mohamedan community is particularly interested in the question of education and public service. But there again it must be pointed out that the Mohamedan community is not the only community which attaches particular importance to these questions. That the non-Brahmin and the depressed classes are equally deeply interested in this question becomes evident from the united effort that was put forth by all three in connection with the University Reform Bill in the Bombay Legislative Council. The existence of separate interests of the Mohamedan community is therefore a myth. What exists is not separate interests but special concern in certain matters.

58. Assuming, however, that separate interests do exist, the question is, are they better promoted by separate electorates than by general electorates and reserved seats ? My emphatic answer is that the separate or special interests of any minority are better promoted by the system of general electorates and reserved seats than by separate electorates. It will be granted that injury to any interest is, in the main, caused by the existence of irresponsible extremists. The aim should therefore be to rule out such persons from the councils of the country. If irresponsible persons from both the communities are to be ruled out from the councils of the country, the best system is the one under which the Mohamedan candidates could be elected by the suffrage of the Hindus and the Hindu candidates elected by the suffrage of the Mohamedans. The system of joint electorates is to be preferred to that of communal electorates, because it is better calculated to bring about that result than is the system of separate electorates. At any rate, this must be said with certainty that a minority gets a larger advantage under joint electorates than it does under a system of separate electorates. With separate electorates the minority gets its own quota of representation and no more. The rest of the house owes no allegiance to it and is therefore not influenced by the desire to meet the wishes of the minority. The minority is thus thrown on its own resources and as no system of representation can convert a minority into a majority, it is bound to be overwhelmed. On the other hand, under a system of joint electorates and reserved seats the minority not only gets its quota of representation but something more. For, every member of the majority who has partly succeeded on the strength of the votes of the minority if not a member of the minority, will certainly be a member for the minority. This, in my opinion, is a very great advantage which makes

the system of mixed electorates superior to that of the separate electorates as a means of protection to the minority. The Mohamedan minority seems to think that the Council is, like the Cardinals' conclave, convened for the election of the Pope, an ecclesiastical body called for the determination of religious issues. If that was true then their insistence on having few men but strong men would have been a wise course of conduct. But it is time the community realised that Council far from being a religious conclave is a secular organisation intended for the determination of secular issues. In such determination of the issues, the finding is always in favour of the many. If this is so, does not the interest of the minority itself justify a system which compels others besides its own members to support its cause ?

59. The second ground on which the claim to separate electorates is made to rest is that the Mohamedans are a community by themselves ; that they are different from other communities not merely in religion but that their history, their traditions, their culture, their personal laws, their social customs and usages have given them such a widely different outlook on life quite uninfluenced by any common social ties, sympathies or amenities; that they are in fact a distinct people and that they do so regard themselves even though they have lived in this country for centuries. On this assumption it is argued that if they are compelled to share a common electorate with other communities, the political blending consequent upon it will impair the individuality of their community. How far this assumption presents a true picture, I do not step to consider. Suffice it to say, that in my opinion it is not one which can be said to be true to life. But conceding that it is true and conceding further that the preservation of the individuality of the Mohamedan community is an ideal which is acceptable to that community one does not quite see why communal electorates should be deemed to be necessary for the purpose. India is not the only country in which diverse races are sought to be brought under a common Government. Canada and South Africa are two countries within the British Empire where two diverse races are working out a common system of government. Like the Hindus and the Mohamedans in India, the British and the Dutch in South Africa and the British and the French in Canada are two distinct communities with their own distinctive cultures. But none has ever been known to object to common electorates on the ground that such a common cycle of participation for the two communities for electoral purposes is injurious to the preservation of their individualities. Examples of diverse communities sharing common electorates outside the Empire are by no means few. In Poland there are Poles, Ruthenians, Jews, White Russians, Germans and Lithuanians. In Latvia, there are Latvians, Russians, Jews, Germans, Poles, Lithuanians and Esthonians. In Esthonia, there are Germans, Jews, Swedes, Russians, Latvians and Tartars. In Czechoslovakia, there are Czechs, Slovaks, Germans, Magyars, Ruthenians, Jews and Poles. In Austria, there are Germans, Czechs and Slovenes; while

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in Hungary there are Hungarians. Germans, Slovaks, Roumanians, Ruthenians. Croatians, and Serbians. All these groups are not mere communities. They are nationalities each with a live and surging individuality of their own, living in proximity of each other and under a common Government. Yet none of them have objected to common electorates on the ground that a participation in them would destroy their individuality.

60. But it is not necessary to cite cases of non-Moslem communities to show the futility of the argument. Cases abound in which Mohamedan minorities in other parts of the world have never felt the necessity of communal electorates for the preservation of their individuality against what might be termed the infectious contagion of political contact with other communities. It does not seem to be sufficiently known that India is not the only country where Mohamedans are in a minority. There are other countries, in which they occupy the same position. In Albania, the Mohamedans form a very large community. In Bulgaria, Greece and Roumania they form a minority and in Yugoslavia and Russia they form a very large minority. Have the Mohamedan communities there insisted upon the necessity of separate communal electorates? As all students of political history are aware the Mohamedans in these countries have managed without the benefit of separate electorates; nay, they have managed without any definite ratio of representation assured to them. In India, at any rate, there is a consensus of opinion, that as India has not reached a stage of complete secularisation of politics, adequate representation should be guaranteed to the Mohamedan community, lest it should suffer from being completely eclipsed from the political field by the religious antipathy of the majority. The Mohamedan minorities, in other parts of the world are managing their affairs even without the benefit of this assured quota. The Mohamedan case in India, therefore, overshoots the mark and in my opinion, fails to carry conviction.

61. The third ground on which it is sought to justify the retention of separate communal electorates of the Mohamedans, is that the voting strength of the Mohamedans in a mixed electorate may be diluted by the non-Mohamedan vote to such an extent that the Mohamedan returned by such a mixed electorate, it is alleged, will be a weak and instead of being a true representative of the Mohamedans will be a puppet in the hands of the non-Mohamedan communities. This fear has no doubt the look of being genuine, but a little reasoning will show that it is groundless. If the mass of the non-Muslim voters were engaged in electing a Mohamedan candidate, the result anticipated by the Mohamedans may perhaps come true if the non-Muslims are bent on mischief. But the fact is that at the time of general election there will be many non-Mohamedan candidates standing for election. That being the case, the full force of all the non-Muslim voters will not be directed on the Mohamedan candidates. Nor will the non-Mohamedan candidates allow the non-Mohamedan voters to waste their votes by concentrating themselves on the Mohamedan candidates. On the contrary, they will engage many voters, if not all, for themselves. If this

analysis is true, then it follows that very few non-Mohamedan voters will be left to participate in the election of the Mohamedan candidates, and that the fear of the Mohamedans of any mass action against Muslim candidates by non-Muslim voters is nothing but a hallucination. That the Mohamedans themselves do not believe in it is evident from what are known as the "Delhi" proposals. According to these proposals, which have been referred to in an earlier part of this report, the Mohamedans have shown their willingness to give up communal electorates, in favour of joint electorates, provided the demand for communal Provinces and certain other concessions regarding the representation of the Muslims in the Punjab and Bengal are given to them. Now, assuming that these communal Provinces have no purpose outside their own, and it is an assumption which we must make, it is obvious that the Mohamedan minority in any province must be content with such protection as it can derive from joint electorates. It is therefore a question as to why joint electorates should not suffice without the addition of communal Provinces when they are said, to suffice with the addition of communal Provinces. But this consideration apart, if there is any substance in the Muslim view that the watering of votes is an evil which attaches itself to the system of joint electorates, then the remedy in my opinion does no lie in the retention of communal electorates. The remedy lies in augmenting the numbers of the Mohamedan electors to the fullest capacity possible by the introduction of adult suffrage, so that the Mohamedan community may get sufficiently large voting strength to neutralise the effects of a possible dilution by an admixture of the non-Muslim votes.

62. All this goes to show that the case for communal electorates cannot be sustained on any ground which can be said to be reasonable. What is in its favour is feeling and sentiment only. I do not say that feeling and sentiment have no place in the solution of political problems. I realise fully that loyalty to Government is a matter of faith and faith is a matter of sentiment. This faith should be secured if it can be done without detriment to the body politic. But communal representation is so fundamentally wrong that to give in to sentiment in its case would be to perpetuate an evil. The fundamental wrong of the system, has been missed even by its opponents. But its existence will become apparent to any one who will look to its operation. It is clear that the representatives of the Muslims give law to the non-Muslims. They dispose of revenue collected from the non-Muslims. They determine the education of the non-Muslims, they determine what taxes and how much the non-Muslims shall pay. These are some of the most vital things which Muslims as legislators do, whereby affect the welfare of the non-Muslims. A question may be asked by what right can they do this ? The answer, be it noted, is not by right of being elected as representatives of the non-Muslims. The answer is by a right of being elected as the representatives of the Muslims ! Now, it is an universally recognised canon of political life that the Government must be by the consent of the governed. From what I have said above communal electorates are a violation of that

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canon. For, it is government without consent. It is contrary to all sense of political justice to approve of a system which permits the members of one community to rule other communities without their having submitted themselves to the suffrage of those communities. And if as the Mohamedans allege that they are a distinct community with an outlook on life widely different from that of the other communities, the danger inherent in the system becomes too terrible to be passed over with indifference.

63. Such are the defects in the existing structure of the Council. It was framed by the Southborough Committee in 1919. The nature of the framework prepared by that Committee was clearly brought forth by the Government of India in their Despatch No. 4 of 1919 dated 23rd April, 1919, addressed to the Secretary of State in which they observed :

“2. Before we deal in detail with the report (of the Southborough Committee) one preliminary question of some importance suggests itself. As you will see, the work of the Committee has not to any great extent been directed towards the establishment of principles. In dealing with the various problems that came before them they have usually sought to arrive at agreement rather than to base their solution upon general reasonings.”

64. My colleagues have not cared to consider the intrinsic value of the framework as it now stands. They have no doubt recommended that the system of nominations should be done away with and in that I agree with them. But excepting that they have kept the whole of the electoral structure intact, as though it was free from any objection. In this connection I differ from them. As I have pointed out, the whole structure is faulty and must be overhauled. I desire to point out that the object of the Reforms are embodied in the pronouncement of August, 1917, declares the goal to be the establishment of self-governing institutions. The electoral structure then brought into being was only a half-way house towards it and was justified only because it was agreed that a period of transition from the rule of the bureaucracy to the rule of the people, was a necessity. This existing electoral structure can be continued only on the supposition that the present system of divided government is to go on. The existing system of representation would be quite incompatible with a full Government and must therefore be over-ruled.

65. There is also another reason why the present system of representation should be overhauled. Representative government is everywhere a party government. Indeed a party government is such a universal adjunct of representative government that it might well be said that representative government cannot function except through a party government. The best form of party government is that which obtains under a two-party-system both of ensuring stable as well as responsible government. An executive may be made as responsible as it can be made by law to the legislature. But the responsibility will only be nominal if the legislature is so constituted that it could not effectively impose its Will on the executive. A stable government requires absence of uncertainty. An executive must be able to plan

its way continuously to an ordered scheme of policy. But that invokes an unwavering support of a majority. This can be obtained only out of a two-party-system. It can never be obtained out of a group system. Under the group system the executive will represent not a general body of opinion, but a patch-work of doctrines held by the leaders of different groups who have agreed to compromise their integrity for the sake of power. Such a system can never assure the continuous support necessary for a stable government since the temptation to reshuffling the groups for private advantage is ever present. The existing Council by reason of the system of representation is, to use the language of Burke, "a piece of joinery so crossly indented and whimsically dovetailed, a piece of diversified mosaic, a tessellated pavement without cement, patriots and courtiers, friends of government and open enemies. This curious show of a Legislature utterly unsafe to touch and unsure to stand on" can hardly yield to a two-party-system of government, and without a party system there will neither be stable government nor responsible government. The origin of the group system must be sought in the formation of the electorates. For, after all, the electorates are the moulds in which the Council is cast. If the Council is to be remodelled so that it may act with efficiency, then it is obvious that the mould must be recast.

66. In making my suggestions for the recasting of the electoral system I have allowed myself to be guided by three considerations : (1) Not to be led away by the fatal simplicity of many a politician in India that the electoral system should be purely territorial and should have no relation with the social conditions of the country, (2) Not to recognise any interest, social or economic, for special representation which is able to secure representation through territorial electorates, (3) When any interest is recognised as deserving of special representation, its manner of representation shall be such as will not permit the representatives of such interest the freedom to form a separate group.

67. Of these three considerations the second obviously depends upon the pitch of the franchise. In another part of this Report I have recommended the introduction of adult suffrage. I am confident that it will be accepted. I make my recommendations therefore on that basis. But in case it is not, and if the restricted franchise continues, it will call for different recommendations, which I also proposed to make. For the reasons given above and following the last mentioned consideration I suggest that—

I. If adult suffrage is granted there shall be territorial representation except in the case of the Mohamedans, the Depressed Classes, and the Anglo-Indians.

II. If the franchise continues to be restricted, all representation shall be territorial except in the case of the Mohamedans, the Depressed Classes, Anglo-Indians, the Marathas and the allied castes and labour.

III. That such special representation shall be by general electorates and reserved seats and of labour by electorate made up of registered trade unions.

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68. From these suggestions it will be seen that I am for the abolition of all class electorates, such as those for (1) Inamdars and Sardars, (2) Trade and Commerce, whether Indian or European, (3) Indian Christians, and (4) Industry; and merge them in the general electorates. There is nothing to prevent them from having their voice heard in the Councils by the ordinary channel. Secondly, although I am for securing the special representation of certain classes, I am against their representation through separate electorates. Territorial electorates and separate electorates are the two extremes which must be avoided in any scheme of representation that may be devised for the introduction of a democratic form of government in this most undemocratic country. The golden mean is the system of joint electorates with reserved seats. Less than that would be insufficient, more than that would defeat the ends of good government. For obvious reasons I make an exception in the case of the European community. They may be allowed to have their special electorates. But they shall be general electorates and not class electorates

CHAPTER 3

DISTRIBUTION OF SEATS

I. Distribution of seats among the minorities

69. The quota of seats assigned by my colleagues to the different minorities is given below in the tabular form:

				No. of seats out of 140		
Minority				General	plus	Special
I. Europeans	...	...		2		5
II. Anglo-Indians	..,	...		2		Nil
II. Indian Christians		...		1		Nil
IV. Depressed Classes		...		10		Nil
V. Mohamedans	...	...		43		2

70. From this table it will be seen that in distributing the seats among the different minorities, my colleagues have not acted upon any uniform principle. Nor does it appear that they have striven to do justice to the minorities concerned. This is clear if we compare the treatment given by my colleagues to the Mohamedans with the treatment they have given to the Depressed Classes. Mohamedans form 19 per cent, of the population of the Presidency. My colleagues have proposed to give them over 31 per cent, of the total representation provided for the Legislative Council. The Depressed Classes on the other hand who form according to the most conservative estimate 8 per cent, of the total population of the Presidency are allowed only 7 per cent, of the total seats in the Council. The reasons for this discrimination are difficult to comprehend. Of the two minorities the Mohamedan minority is undoubtedly stronger in numbers, in wealth and in education. Besides being weak in numbers, wealth and education, the

These 9 elected members should form a constituency to elect one member from among themselves to represent the untouchables of this Presidency in the Imperial Legislative Council.

28. It may be objected that though 8 representatives are not in excess to the untouchable population it may be in excess to the voting strength of untouchables. That the untouchables are a poor community and that under the same franchise they yield per thousand a smaller proportion of voters than other communities is a fact. But if the grave position of the untouchables is admitted instead of restricting their number of representatives, the aim should be to increase the number of their voters, i.e., we must aim at lowering the franchise so far as the untouchables are concerned.

29. What the franchise should be is a very important question. There is a line of argument which urges that franchise should be given to those only who can be expected to make an intelligent use of it. As against this view it can be said in the words of Prof. L. T. Hobhouse that it is true that "the success of democracy depends on the response of voters to the opportunities given them. But conversely the opportunities must be given in order to call forth the response. The exercise of popular Government is itself all education ... enfranchisement itself may precisely be the stimulus needed to awaken interest. The ballot alone effectively liberates the quiet citizen from the tyranny of the shouter and the wire-puller. An impression of existing inertness alone is not a sufficient reason for with-holding responsible Government or restricting the area of suffrage." Taking into consideration that suffrage is an education and that there are groups with unequal distribution of wealth and education among them and that these groups are not sympathetically like-minded, the authors of the reports rightly argue that the case for uniformity of franchise cannot be sustained.

30. But in the case of the untouchables there are as few reasons for curtailing the number of their representatives as the reasons for widening their electorate are many. If under a given franchise the untouchables do not muster strong as electors, it is not their fault. The very untouchability attached to their person is a bar to their moral and material progress. The principal modes of acquiring wealth are trade, industry or service. The untouchables can engage in none of these because of their untouchability. From an untouchable trader no Hindu will buy. An untouchable cannot be engaged in lucrative service. Military service had been the monopoly of the untouchables since the days of the East India Company. They had joined the Army in such large numbers that the Marquis Tweeddale in his note which he submitted to the Indian Army Commission of 1859 wrote, "It should never be forgotten that India was conquered with the help of the low-caste men.". But after the mutiny when the British were able to secure soldiers from the ranks of the Marathas, the position of the low-caste men who had been the prop of the Bombay Army became precarious, not

because the Marathas were better soldiers but because their theological bias prevented them from serving under low-caste officers. The prejudice was so strong that even the non-caste British had to stop recruitment from the untouchable classes. In like manner, the untouchables are refused service in the Police Force. In a great many of the Government offices it is impossible for an untouchable to get a place. Even in the mills a distinction is observed. The untouchables are not admitted in Weaving Departments of the Cotton Mills though many of them are professional weavers. An instance at hand may be cited from the school system of the Bombay Municipality. This most cosmopolitan city ruled by a Corporation with a greater freedom than any other Corporation in India has two different sets of schools ... one for the children of touchables and the other for those of the untouchables., This in itself is a point worthy of note. But there is something yet more noteworthy. Following the division of schools it has divided its teaching staff into untouchables and touchables. As the untouchable teachers are short of the demand, some of the untouchable schools are manned by teachers from the touchable class. The heart-killing fun of it is that if there is a higher grade open in untouchable school service, as there is bound to be because of a few untouchable trained teachers, a touchable teacher can be thrust into the grade. But if a higher grade is open in the touchable school service, no untouchable teacher can be thrust into that grade. He must wait till a vacancy occurs in the untouchable service ! ! ! Such is the ethics of the Hindu social life. Under it if the untouchables are poor, the committee, it may be hoped, will not deny them representation because of their small electoral roll but will see its way to grant them adequate representation to enable the untouchables to remove the evil conditions that bring about their poverty. At present when all the avenues of acquiring wealth are closed, it is unwise to require from the untouchables a high property qualification. To deny them the opportunities of acquiring wealth and then to ask from them a property qualification is to add insult to injury. Just what sort of franchise and just what pitch are required to produce sufficient voting strength from the untouchables ? In absence of data, I leave it to the Committee to decide. It would be better to pitch the franchise so low as to educate into political life as many untouchables as possible. They are too degraded to be conscious of themselves. I only wish to emphasize that in deciding upon the representation of the untouchables the Committee looking to their interests at stake will not let the extent of the electorate govern the number of representatives, but will rather let the number of representatives govern the extension of the electorate.

31. In this connection it would not be improper to remind the Committee of Lord Morley who is reported to have said that “the object of Government was that the Legislative Councils should represent truly and effectively with reasonable approach to the balance of real social forces, the wishes and needs of the communities concerned. This could not be done by Algebra,

Arithmetic, Geometry or Logic, but by a wide outlook. He saw no harm as to a compromise that while numbers should be the main factor in determining the extent of representation modifying causes might influence the number of representatives." It is therefore proposed that the untouchables of the Bombay Presidency should be allowed to elect 9 members through the constituencies made up as above. These 9 members will further form a constituency to elect one member from among themselves to represent the untouchables in the Imperial Legislative Council leaving 8 members to represent the untouchables in the Bombay Legislative Council.

32. Besides communal electorates there are other schemes in the field for the representation of the untouchables. It would not be proper to close this statement without a word of comment on those Schemes.

33. The Congress has denied communal representation except in the case of Mohammedans and it also denies the extensive use of nomination ; the only way then left, open to the untouchables is to fight in a general electorate. Now this is as it should be if all were equally free to fight. To educate the untouchables by Shahtras into pro-touchables and the touchables into anti-untouchables and then to propose that the two should fight out at an open poll is to betray signs of mental aberration or a mentality fed on cunning. But it must never be forgotten that the Congress is largely composed of men who are by design political Radicals and social Tories. Their chant is that the social and the political are two distinct things having no bearing on each other. To them the social and the political are two suits and can be worn one at a time as the season demands. Such a psychology has to be laughed at because it is too interested to be seriously taken into consideration either for acceptance or for rejection. As it pays to believe in it, it will die a hard death. Starting from this unnatural premise the Congress activities have been quite natural. Those who attend the Congress do not care to attend the National Social Conference held in the same pandal. In fact those who attend the Congress had once started a campaign to refuse the use of the pandal to the Conference which was once refused the pandal in the city of Poona, the roosting place of the intelligentsia of our Presidency, As the Congress is a non-national or anti-national body, its views on communal electorates are worthy of no serious consideration.

34. The moderates in their separate meeting have been more kindly than just. They proposed the reservation of seats for backward communities in plural constituencies. They have not specified the number of seats for the untouchables. But the general sense of many enlightened moderates and others kindly inclined is that one or two representatives of the untouchables in the Legislative Council would suffice. It is impossible to agree with these gentlemen though they are entitled to gratitude for this much sympathy. One or two representatives of the untouchables are as good as having none.

A Legislative Council is not an old curiosity shop. It will be a Council with powers to make or mar the fortunes of society. How can one or two untouchables carry a legislative measure to improve their condition or prevent a legislative measure worsening their state? To be frank, the untouchables cannot expect much good from the political power to be given over to the high caste Hindus. Though the power may not be used against the untouchables and one cannot be altogether sure of this, it may not be used for their betterment. A Legislative Council may be sovereign to do anything it likes, but what it will like to do depends upon its own character. The English Parliament, we may be certain, though it is sovereign to do anything, will not make the preservation of blue-eyed babies illegal. The Sultan will not, though he can, change the religion of Mohammed just as the Pope will not, though he can, overthrow the religion of Christ. In the same way legislature, mainly composed of high caste men, will not pass a law removing untouchability, sanctioning inter-marriages, removing the ban on the use of public streets, public temples, public schools; in short, cleansing the person of the untouchables. This is not because they cannot, but chiefly because they will not. A legislature is the product of a certain social condition and its power is determined by whatever determines society. This is too obvious to be denied. What may happen in future can be guessed from what has happened in the past. The high caste men in the Council do not like any social question being brought before the legislature, as may be seen from the fact of the Resolution introduced by the Honourable Mr. Dadabhoy in 1916 in the Imperial Legislative Council. That it was adversely criticized by many who claimed to evince some interest in the untouchables is too well known to need repetition. But what is not well known is that though the resolution was lost the mover was not pardoned; for the very moving of such a nasty resolution was regarded as a sin. At a subsequent election the mover had to make room for the Honourable Mr. Khaparde, who once wrote in an article : “ Those who work for the elevation of the untouchables are themselves degraded.”

Isn't this sympathy of the higher castes for the untouchables, sympathy with a vengeance ?

35. Those who tell that one or two members would suffice for the untouchables fail to grasp the true import of political right. The chief import of a political right though technically summed up in the power to vote does lie either in voting upon for laws or for those who make laws; neither does it consist in the right to speak for or against a certain measure nor in being able to say “yea or nay” upon roll-call; to be able to put into a ballot-box a piece of paper with a number of names written thereon is an act which, like those mentioned above, of itself possesses no value which stamps it as inherently superior to many of the most ordinary transactions of daily life. They are educative but as much as any transaction

is. The chief significance of suffrage or a political right consists in a chance for active and direct participation in the regulation of the terms upon which associated life shall be sustained. Now the terms upon which the associated life between the touchables and untouchables is carried on today are the most ignominious to the former and highly detrimental to the latter. To make effective the capacities of a people there must be the power to fix the social conditions of their exercise. If the conditions are too obdurate, it is in the interest of the untouchables as well as of the touchables that the conditions should be revised. The untouchables must be in a position to influence the revision. Looking to the gravity of their interests, they should get their representation as proposed in proportion to their population. One or two is only kind but neither just nor sufficient. As Lord Morley says in an earlier quotation, needs not numbers should govern the extent of representations.'

36. Recently there is brought into the forefront a rival scheme for the representation of the untouchables by the Depressed Class Mission. The scheme is known as co-option. The scheme proposes that the representatives of the untouchables should be nominated by the co-option of the elected members of the Council. Whether one should laugh or cry at the solicitude of the Mission for the untouchables it is rather difficult to decide. To cry is to believe that such a silly scheme would ever be adopted. The best way is to laugh it out. From the scheme can be easily seen that what is some times called benevolent interest in others may be an unwilling mask for an attempt to dictate to them what their good shall be, instead of an endeavour to agree with them so that they may seek and find the good of their own choice. The Mission, it must be said, was started with the intention of improving the condition of the Depressed Classes by emancipating them from the social tyranny of their high caste masters. But the Mission has fallen on such bad times that it is forced to advocate a scheme by which its wards or their representatives will be bounden slaves of their past masters. The masters and the mission have thus met and evolved a scheme which will keep the Depressed classes eternally depressed without any hope of deliverance. Such tactics do not deceive the untouchables ignorant as they are; much less will they deceive the Franchise Committee. From another point of view the scheme of the Mission is unacceptable. It is aggravating to see the Mission proposing a scheme for the representation of the untouchables while persistently refusing to admit an untouchable in its governing council. Interested and officious as it is, its scheme must be rejected.

37. Nomination even though by Government in itself to be preferred to the former kind of nomination, is to be objected to from the stand-point of the untouchables. Apart from restricting the freedom of the representatives it fails to give political education which is the urgent need of all communities, much more of the untouchables.

EVIDENCE BEFORE THE SOUTHBOROUGH COMMITTEE

WRITTEN STATEMENT

“The most difficult and the most momentous question of Government (is) how to transmit the force of individual opinion and preference into public action. This is the crux of popular institutions.” So says Professor A.B. Hart. But this is only half the definition of popular Government. It is therefore necessary to emphasize the other half which is equal if not more in importance. As the Government is the most important field for the exercise of individual capacities, it is in the interest of the people that no person as such should be denied the opportunity of actively participating in the process of Government. That is to say popular Government is not only Government for the people but by the people. To express the same in a different way, representation of opinions by itself is not sufficient to constitute popular Government. To cover its true meaning it requires personal representation as well. It is because the former is often found without the latter that the Franchise Committee has to see in devising the franchises and constituencies for a popular Government in India, it provides for both, i.e., representation of opinions and representation of persons. Any scheme of franchise and constituency that fails to bring this about fails to create a popular Government.

2. Success in this task will ultimately depend upon the accuracy of the *de facto* conception of the society which is to be given the popular form of Government. *De facto* India was well portrayed by Lord Dufferin when he described it as a ...

“Population . . . composed of a large number of distinct nationalities, professing various religions, practising diverse rites, speaking different languages, while many of them ... still further separated from one another by discordant prejudices, by conflicting sources of usages, and even antagonistic material interests. But perhaps the most patent characteristic

of our Indian cosmos is its division into two mighty political communities as distant from each other as the poles apart—On the one hand the Hindus—with their elaborate caste distinctions—on the other hand, the Mohammedans—with their social equality. To these must be added a host of minor nationalities most of them numbering millions—almost as widely differentiated from one another by ethnological or political distinctions as are the Hindus from the Mohammedans, such as Sikhs, with their warlike habits and traditions and their enthusiastic religious beliefs, the Rohillas, the Pathans, the Assamese, the Baluchis and other wild and martial tribes on our frontiers, the hillmen dwelling in the folds of the Himalayas, our subjects in Burma, Mongol in race and Buddhist in religion, the Gonds, Mhars, Bheels and other non-Aryan people in the centre and south of India, and the enterprising Parsees, with their rapidly developing manufactures and commercial interests. Again, amongst these numerous communities may be found, at one and the same moment, all the various stages of civilization through which mankind has passed from the pre-historic ages to the present days.”

3. Englishmen have all along insisted that India is unfit for representative Government because of the division of her population into castes and creeds. This does not carry conviction with the advanced wing of Indian politicians. When they say that there are also social divisions in Europe as there are in India they are amply supported by facts. The social divisions of India are equalled, if not outdone, in a country like the United States of America. Corresponding to those in the former, we have in the latter men bonded together in a criminal conspiracy and trust or combinations that prey upon the public. Not only are there political sub-divisions but also industrial, scientific, and religious associations, differing in their aims and their attitudes towards each other. Apart from political parties with diverse ends, social sets, cliques and gangs we find in the United States of America more permanent divisions of the population such as the Poles, Dutch, Swedes, Germans, Russians, etc., each with its own language, religious and moral codes and traditions. If social divisions unfit a country for representative Government, it should unfit the United States of America as much as India. But if with all the social divisions, the United States of America is fit for representative Government, why not India ? Ask the Indian politicians, so entrenched, it is difficult to dislodge them, and show that the social divisions of India are of a different kind or grant them their contention. Without these two there is no third alternative possible.

4. In my opinion their contention cannot be granted for the social divisions of India do matter in politics. How they matter can be best shown by understanding when they don't matter. Men live in a community by virtue of the things they have in common. What they must have in common in order to form a community are aims, beliefs, aspirations, knowledge,

a common understanding; or to use the language of the Sociologists, they must be like-minded. But how do they come to have these things in common or how do they become like-minded? Certainly, not by sharing with another as one would do in the case of a piece of cake. To cultivate an attitude similar to others or to be like-minded with others is to be in communication with them or to participate in their activity. Persons do not become like-minded by merely living in physical proximity, any more than they cease to be like-minded by being distant from each other. Participation in a group is the only way of being like-minded with the group. Each group tends to create its own distinctive type of like-mindedness, but where there are more groups than one to be brought into political union, there would be conflict among the differently like-minded. And so long as the groups remain isolated the conflict is bound to continue and prevent the harmony of action. It is the isolation of the groups that is the chief evil. Where the groups allow of endosmosis they cease to be evil. For endosmosis among the groups makes possible a resocialization of once socialized attitudes. In place of the old, it creates a new like-mindedness, which is representative of the interests, aims, and aspirations of all the various groups concerned. Like-mindedness is essential for an harmonious life, social or political and, as has just been shown, it depends upon the extent of communication, participation or endosmosis. Applying this test to the divisions in India, we must pronounce upon them as constituting an obstacle in the path of realizing an harmonious political life.

5. The groups or divisions each with its set like-mindedness that are sure to be in conflict may be given as follows :

- (1) Hindus;
- (2) Mohammedans ;
- (3) Christians ;
- (4) Parsees;
- (5) Jews, etc.

Except the Hindus the rest of the divisions are marked by such complete freedom of communication from within that we may expect their members to be perfectly like-minded with respect to one another. Regarding the Hindus, however, the analysis must be carried on a little farther. The significant fact about the Hindus is that before they are Hindus they are members of some caste. The castes are so exclusive and isolated that the consciousness of being a Hindu would be the chief guide of a Hindu's activity towards non-Hindu. But as against a Hindu of a different caste his caste-consciousness would be the chief guide of activity. From this, it is plain that as between two Hindus, caste-like-mindedness is more powerful than the like-mindedness due to their both being Hindus. Thus from within the Hindus, as from without, there is likely to be a conflict of like-minded persons. There are some who argue that this conflict runs through the whole

gamut of the caste system. But this is protesting too much. From the point of view of communication the Hindus, in spite of castes, divide themselves into two significant groups—the touchables and the untouchables. The touchables have enough communication between them to enable us to say that the conflict of like-mindedness so far as they are concerned is not much to be dreaded. But there is a real difference and consequent conflict between the like-mindedness of the touchables and the untouchables. Untouchability is the strongest ban on the endosmosis between them. Their complete isolation accounts for the acuteness of the difference of like-mindedness.

The real social divisions of India then are :

- (1) Touchable Hindus.
- (2) Untouchable Hindus.
- (3) Mohammedans.
- (4) Christians.
- (5) Parsees.
- (6) Jews.

6. It will not do good to ignore these real divisions in devising a system of policy, if the policy is to take the form of popular Government. But if the success of popular Government depends upon how well the constituencies and franchises transmit the social forces and how well they secure personal representation ; we must first study the form which the conflict between these groups will assume in an election.

7. In a territorial constituency, which will group together voters belonging to the above groups, a majority of votes will declare a candidate to be a representative for the constituency in question. Now the question arises : is such a candidate, a true representative of the groups, covered by the territorial constituency ? Is he a true mirror of the mind of the constituency ? Is he a representative of all the interests in the constituency ? To be concrete, will a Hindu candidate represent Mohammedan interests ? At this stage it must be recalled that the various divisions described above are held together by a community of interests which are non-secular or purely religious. We cannot say that each division is held together by a community of interests which are secular or material. If so, then for secular purposes the groups will be broken up. From the point of view of material interests, there are no such people as Mohammedans, Parsees, Hindus, etc. There will be in each of these groups landlords, labourers, capitalists, free traders, protectionists, etc., each of the groups having community of interests which are material will be composed of Hindus, Mohammedans, Parsees, etc. Consequently, a Hindu candidate can very well represent the material interests of the Mohammedans and *vice versa*. There is thus no conflict of material interest in the main among the communities as such. If we suppose that religious interests in future will occupy a subordinate place in the

affairs of men, the secular interests of a group can be well represented by a candidate from another group.

8. From this point of view a territorial constituency will be sufficient for a popular Government. A little more consideration will show that it will be sufficient for only one-half the definition of popular Government. How true it is, will be shown presently. In an electoral fight between the various groups in a territorial constituency the voters will discriminate in favour of a candidate with whom they are in sympathy. But with whom they will be in sympathy is determined for them in advance. Given two candidates belonging to different groups but purporting to represent the same interest, the voters will mark their votes on the person belonging to the same community. Any group yielding a large number of electors will have its own candidate elected. This discrimination on the part of the voters, though it may not leave unrepresented the interests of the members of the minor groups, leaves them without any chance of personal representation.

9. To those who are busy in devising schemes for the proper and adequate representation of interests and opinions dilating on the importance of personal representation is likely to seem idle. But personal representation is not therefore unimportant. In recent times "Government for the people" has claimed more attention than "Government by the people". In fact there are instances to show that "Government for the people" can exist in the best sense of the phrase without there being a "Government by the people." Yet all political theorists will unanimously condemn such a form of Government. And the why of it is important to know. It will be granted that each kind of association, as it is an educative environment, exercises a formative influence on the active dispositions of its members. Consequently, what one is as a person is what one is as associated with others. A Government for the people, but not by the people, is sure to educate some into masters and others into subjects; because it is by the reflex effects of association that one can feel and measure the growth of personality. The growth of personality is the highest aim of society. Social arrangement must secure free initiative and opportunity to every individual to assume any role he is capable of assuming provided it is socially desirable. A new rule is a renewal and growth of personality. But when an association—and a Government is after all an association—is such that in it every role cannot be assumed by all, it tends to develop the personality of the few at the cost of the many—a result scrupulously to be avoided in the interest of Democracy. To be specific, it is not enough to be electors only. It is necessary to be law-makers; otherwise who can be law-makers will be masters of those who can only be electors.

10. Territorial constituencies are therefore objected to, and rightly, on the ground that they do nothing to prevent this absurd outcome. They erroneously suppose that electors will vote on the programmes of the

candidates without any regard for their persona. As a matter of fact, the electors before they are electors are primarily members of a group. The persona of the candidates does matter with them. Naturally, therefore, as members of a group they prefer the candidate who belongs to their group to another candidate who does not belong to their group though both of them claim to represent the same interest. As a result of this preference the electors of a large group are destined to rise to a higher position of becoming eventual law-makers, while the electors of a smaller group for no fault of theirs are doomed to a lower position of remaining electors. One crux of popular Government is the representation of interests and opinions. The other crux is personal representation. Territorial constituencies fail to create popular Government because they fail to secure personal representation to members of minor groups.

11. If this is a correct analysis as to how the social divisions operate to the prejudice of the political life of some communities, never was a more improper remedy advocated to meet the situation than proportional representation. Proportional representation is intended to give proportionate representation to views. It presupposes that voters vote for a candidate because of his views and not because of his persona. Proportional representation is ill-suited for the purpose in hand.

12. We have therefore two possible methods of meeting the situation : either to reserve seats in plural constituencies for those minorities that cannot otherwise secure personal representation or grant communal electorates. Both have their usefulness. So far as the representation of the Mohammedans is concerned, it is highly desirable that they should participate in a general election with seats reserved for them in plural constituencies. The angularity of the division that separates the Hindus and Mohammedans is already sharp and communal representation, it may be urged, sharpens it the more. Communal election, however, seems to be a settled fact, so far as the Mohammedans are concerned and nothing is likely to alter it, even though alteration is likely to be beneficial.

13. But this argument is mainly intended to concern itself with the representation of the Hindus in general, and of the untouchable Hindus in particular. The discussion of the representation of the Hindus may be best introduced by a quotation which expresses the newer consciousness that has arisen in the various Hindu groups. It is said :

“A community may claim representation only on the ground of separate interests which require protection. In India, such interests are of three kinds only : either they arise out of religious antipathies which are pretty strong in India, or out of the backward state of a community in educational matters, or out of the socio-religious disabilities to which a community may be subject. Confining ourselves to the Hindu communities there are certain communities who, besides being very

backward, are suffering under a great social tyranny. The untouchable classes must have their own men in the Council Hall to fight for the redress of their grievances. The non-Brahmins as a class are subjected to the social and intellectual domination of the Brahmin priesthood and may therefore rightly advocate separate representation."

14. From this it will be seen that the new consciousness among the Hindus while acknowledging the separate interests of the untouchables does not accept the position that the touchable Hindus form a group by themselves. The new consciousness insists on dividing the touchable group into Brahmins and non-Brahmins each with its own separate interests. Separate electorates or reserved seats in mixed electorates are demanded for the three groups in which the Hindus are divided. Before dealing with the problems of the representation of the untouchables something will be said on the question of the Brahmins and non-Brahmins.

15. That the non-Brahmins are "backward in educational matters" cannot be said in any way to be their special interest. It is the general interest of all even of those Brahmins who are educationally backward. "The intellectual and social domination of the Brahmins" is not a matter that affects the non-Brahmins alone. It affects all and it is therefore the interest of all. What remains then as a special interest for the non-Brahmins to require their protection?

The case for separate representation for non-Brahmins fails because they cannot prove to have a common non-Brahmin interest.

16. But do they fail to secure personal representation?

This can be best shown by reference to figures—

Group I			Group II		
Caste of Local Board voters	No. of voters for the Local Boards of the districts of Belgaum, Bijapur and Dharwar 2	Total population of the three districts	No. of voters for the Local Boards of the districts of Ratnagiri and Kolaba	Total population of the two districts	
1	2	3	4	5	
Brahmins ..	4,600	85,739	4,477	89,786	
Lingayats ..	12,730	933,123	....	....	
Marathas ..	1,074	255,526	3,667	446,077	
Mahars ..	22	196,751	33	138,738	
Mohammedans ..	661	295,838	1,169	106,273	
Others ..	4,241	1,065,821	2,837	1,016,930	
Total ..	23,328	2,832,798	12,183	1,797,804	

it is not easy to transplant the temperament that is needed for the working of it.”

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***The Honourable Dr. B. R. Ambedkar :** Sir, looking back on the work of the Constituent Assembly it will now be two years, eleven months and seventeen days since it first met on the 9th of December 1946. During this period the Constituent Assembly has altogether held eleven sessions. Out of these eleven sessions the first six were spent in passing the Objectives Resolution and the consideration of the Reports of Committees on Fundamental Rights, on Union Constitution, on Union Powers, on Provincial Constitution, on Minorities and on the Scheduled Areas and Scheduled Tribes. The seventh, eighth, ninth, tenth and the eleventh sessions were devoted to the consideration of the Draft Constitution. These eleven sessions of the Constituent Assembly have consumed 165 days. Out of these, the Assembly spent 114 days for the consideration of the Draft Constitution.

Coming to the Drafting Committee, it was elected by the Constituent Assembly on 29th August 1947. It held its first meeting on 30th August. Since August 30th it sat for 141 days during which it was engaged in the preparation of the Draft Constitution. The Draft Constitution, as prepared by the Constitutional Adviser as a text for the Drafting Committee to work upon, consisted of 243 articles and 13 Schedules. The first Draft Constitution as presented by the Drafting Committee to the Constituent Assembly contained 315 articles and 8 Schedules. At the end of the consideration stage, the number of articles in the Draft Constitution increased to 386. In its final form, the Draft Constitution contains 395 articles and 8 Schedules. The total number of amendments to the Draft Constitution tabled was approximately 7,635. Of them, the total number of amendments actually moved in the house were 2,473.

I mention these facts because at one stage it was being said that the Assembly had taken too long a time to finish its work, that it was going on leisurely and wasting public money. It was said to be a case of Nero fiddling while Rome was burning. Is there any justification for this complaint ? Let us note the time consumed by Constituent Assemblies in other countries appointed for framing their Constitutions. To take a few illustrations, the American Convention met on May 25th, 1787 and completed its work on September 17, 1787 i.e., within four months. The

*CAD, Official Report, Vol. X, 25th November 1949, pp. 972-981.

Constitutional Convention of Canada met on the 10th October 1864 and the Constitution was passed into law in March 1867 involving a period of two years and five months. The Australian Constitutional Convention assembled in March 1891 and the Constitution became law on the 9th July 1900, consuming a period of nine years. The South African Convention met in October 1908 and the Constitution became law on the 20th September 1909 involving one year's labour. It is true that we have taken more time than what the American or South African Conventions did. But we have not taken more time than the Canadian Convention and much less than the Australian Convention. In making comparisons on the basis of time consumed, two things must be remembered. One is that the Constitutions of America, Canada, South Africa and Australia are much smaller than ours. Our Constitution, as I said, contains 395 articles while the American has just seven articles, the first four of which are divided into sections which total up to 21, the Canadian has 147, Australian 128 and South African 153 sections. The second thing to be remembered is that the makers of the Constitutions of America, Canada, Australia and South Africa did not have to face the problem of amendments. They were passed as moved. On the other hand, this Constituent Assembly had to deal with as many as 2,473 amendments. Having regard to these facts the charge of dilatoriness seems to me quite unfounded and this Assembly may well congratulate itself for having accomplished so formidable a task in so short a time.

Turning to the quality of the work done by the Drafting Committee, Mr. Naziruddin Ahmed felt it his duty to condemn it outright. In his opinion, the work done by the Drafting Committee is not only not worthy of commendation, but is positively below par. Everybody has a right to have his opinion about the work done by the Drafting Committee and Mr. Naziruddin is welcome to have his own. Mr. Naziruddin Ahmed thinks he is a man of greater talents than any member of the Drafting Committee. The Drafting Committee does not wish to challenge his claim. On the other hand, the Drafting Committee would have welcomed him in their midst if the Assembly had thought him worthy of being appointed to it. If he had no place in the making of the Constitution it is certainly not the fault of the Drafting Committee.

Mr. Naziruddin Ahmad has coined a new name for the Drafting Committee evidently to show his contempt for it. He calls it a Drifting Committee. Mr. Naziruddin must no doubt be pleased with his hit. But he evidently does not know that there is a difference between drift without

mastery and drift with mastery. If the Drafting Committee was drifting, it was never without mastery over the situation. It was not merely angling with the off chance of catching a fish. It was searching in known waters to find the fish it was after. To be in search of something better is not the same as drifting. Although Mr. Naziruddin Ahmad did not mean it as a compliment to the Drafting Committee, I take it as a compliment to the Drafting Committee. The Drafting Committee would have been guilty of gross dereliction of duty and of a false sense of dignity if it had not shown the honesty and the courage to withdraw the amendments which it thought faulty and substitute what it thought was better. If it is a mistake, I am glad the Drafting Committee did not fight shy of admitting such mistakes and coming forward to correct them.

I am glad to find that with the exception of a solitary member, there is a general consensus of appreciation from the members of the Constituted Assembly of the work done by the Drafting Committee. I am sure the Drafting Committee feels happy to find this spontaneous recognition of its labours expressed in such generous terms. As to the compliments that have been showered upon me both by the members of the Assembly as well as by my colleagues of the Drafting Committee I feel so overwhelmed that I cannot find adequate words to express fully my gratitude to them. I came into the Constituent Assembly with no greater aspiration than to safeguard the interests of the Scheduled Castes. I had not the remotest idea that I would be called upon to undertake more responsible functions. I was therefore greatly surprised when the Assembly elected me to the Drafting Committee. I was more than surprised when the Drafting Committee elected me to be its Chairman. There were in the Drafting Committee men bigger, better and more competent than myself such as my friend Sir Alladi Krishnaswami Ayyar. I am grateful to the Constituent Assembly and the Drafting Committee for reposing in me so much trust and confidence and to have chosen me as their instrument and given me this opportunity of serving the country. (*Cheers.*)

The credit that is given to me does not really belong to me. It belongs partly to Sir B. N. Rau, the Constitutional Adviser to the Constituent Assembly who prepared a rough draft of the Constitution for the consideration of the Drafting Committee. A part of the credit must go to the members of the Drafting Committee who, as I have said, have sat for 141 days and without whose ingenuity to devise new formulae and capacity to tolerate and to accommodate different points of view,

the task of framing the Constitution could not have come to so successful a conclusion. Much greater share of the credit must go to Mr. S. N. Mukherjee, the Chief Draftsman of the Constitution. His ability to put the most intricate proposals in the simplest and clearest legal form can rarely be equalled, nor his capacity for hard work. He has been an acquisition to the Assembly. Without his help, this Assembly would have taken many more years to finalise the Constitution. I must not omit to mention the members of the staff working under Mr. Mukherjee, for, I know how hard they have worked and how long they have toiled, sometimes even beyond midnight. I want to thank them all for their effort and their co-operation. (*cheers.*)

The task of the Drafting Committee would have been a very difficult one if this Constituent Assembly has been merely a motely crowd, a tasseleted pavement without cement, a black stone here and a white stone there in which each member or each group was a law unto itself. There would have been nothing but chaos. This possibility of chaos was reduced to nil by the existence of the Congress Party inside the Assembly which brought into its proceedings a sense of order and discipline. It is because of the discipline of the Congress Party that the Drafting Committee was able to pilot the Constitution in the Assembly with the sure knowledge as to the fate of each article and each amendment. The Congress Party is, therefore, entitled to all the credit for the smooth sailing of the Draft Constitution in the Assembly.

The proceedings of this Constituent Assembly would have been very dull if all members had yielded to the rule of party discipline. Party discipline, in all its rigidity, would have converted this Assembly into a gathering of 'yes' men. Fortunately, there were rebels. They were Mr. Kamath, Dr. P.S. Deshmukh, Mr. Sidhva, Prof. Sexena and Pandit Thakur Das Bhargava. Along with them I must mention Prof. K. T. Shah and Pandit Hirday Nath Kunzru. The points they raised were mostly ideological. That I was not prepared to accept their suggestions, does not diminish the value of their suggestions nor lessen the service they have rendered to the Assembly in enlivening its proceedings. I am grateful to them. But for them, I would not have had the opportunity which I got for expounding the principles underlying the Constitution which was more important than the mere mechanical work of passing the Constitution.

Finally, I must thank you Mr. President for the way in which you have conducted the proceedings of this Assembly. The courtesy and the

consideration which you have shown to the Members of the Assembly can never be forgotten by those who have taken part in the proceedings of this Assembly. There were occasions when the amendments of the Drafting Committee were sought to be barred on grounds purely technical in their nature. Those were very anxious moments for me. I am, therefore, specially grateful to you for not permitting legalism to defeat the work of Constitution-making.

As much defence as could be offered to the Constitution has been offered by my friends Sir Alladi Krishnaswami Ayyar and Mr. T. T. Krishnamachari. I shall not therefore enter into the merits of the Constitution. Because I feel, however good a Constitution may be, it is sure to turn out bad because those who are called to work it, happen to be a bad lot. However bad a Constitution may be, it may turn out to be good if those who are called to work it, happen to be a good lot. The working of a Constitution does not depend wholly upon the nature of the Constitution. The Constitution can provide only the organs of State such as the Legislature, the Executive and the Judiciary. The factors on which the working of those organs of the State depend are the people and the political parties they will set up as their instruments to carry out their wishes and their politics. Who can say how the people of India and their parties will behave? Will they uphold constitutional methods of achieving their purposes or will they prefer revolutionary methods of achieving them? If they adopt the revolutionary methods, however good the Constitution may be, it requires no prophet to say that it will fail. It is, therefore, futile to pass any judgment upon the Constitution without reference to the part which the people and their parties are likely to play.

The condemnation of the Constitution largely comes from two quarters, the Communist Party and the Socialist Party. Why do they condemn the Constitution? Is it because it is really a bad Constitution? I venture to say 'no.' The Communist Party wants a Constitution based upon the principle of the Dictatorship of the Proletariat. They condemn the Constitution because it is based upon parliamentary democracy. The Socialists want two things. The first thing they want is that if they come in power, the Constitution must give them the freedom to nationalize or socialize all private property without payment of compensation. The second thing that the Socialists want is that the Fundamental Rights mentioned in the Constitution must be absolute and without any limitations so that if their Party fails to come into power, they would have the unfettered freedom not merely to criticize, but also to overthrow the State.

These are the main grounds on which the Constitution is being condemned. I do not say that the principle of parliamentary democracy is the only ideal form of political democracy. I do not say that the principle of no acquisition of private property without compensation is so sacrosanct that there can be no departure from it. I do not say that Fundamental Rights can never be absolute and the limitations set upon them can never be lifted. What I do say is that the principles embodied in the Constitution are the views of the present generation or if you think this to be an overstatement, I say they are the views of the members of the Constituent Assembly. Why blame the Drafting Committee for embodying them in the Constitution ? I say why blame even the Members of the Constituent Assembly ? Jefferson, the great American statesman who played so great a part in the making of the American Constitution, has expressed some very weighty views which makers of Constitution, can never afford to ignore. In one place, he has said :—

“We may consider each generation as a distinct nation, with a right, by the will of the majority, to bind themselves, but none to bind the succeeding generation, more than the inhabitants of another country.”

In another place, he has said :

“The idea that institutions established for the use of the nation cannot be touched or modified, even to make them answer their end, because of rights gratuitously supposed in those employed to manage them in the trust for the public, may perhaps be a salutary provision against the abuses of a monarch, but is most absurd against the nation itself, Yet our lawyers and priests generally inculcate this doctrine, and suppose that preceding generations held the earth more freely than we do; had a right to impose laws on us, unalterable by ourselves, and that we, in the like manner, can make laws and impose burdens on future generations, which they will have no right to alter ; in fine, that the earth belongs to the dead and not the living;”

I admit that what Jefferson has said is not merely true, but is absolutely true. There can be no question about it. Had the Constituent Assembly departed from this principle laid down by Jefferson it would certainly be liable to blame, even to condemnation. But I ask, has it ? Quite the contrary. One has only to examine the provision relating to the amendment of the Constitution. The Assembly has not only refrained from putting a seal of finality and infallibility upon this Constitution by denying to the people the right to amend the Constitution as in Canada or by making the amendment of the Constitution subject to the fulfilment of extraordinary terms and conditions as in America or Australia, but has provided a most facile procedure for amending the Constitution. I challenge any of the critics of the Constitution to prove that any Constituent

Assembly anywhere in the world has, in the circumstances in which this country finds itself, provided such a facile procedure for the amendment of the Constitution. If those who are dissatisfied with the Constitution have only to obtain a 2/3 majority and if they cannot obtain even a two-third majority in the parliament elected on adult franchise in their favour, their dissatisfaction with the Constitution cannot be deemed to be shared by the general public.

There is only one point of constitutional import to which I propose to make a reference. A serious complaint is made on the ground that there is too much of centralization and that the States have been reduced to Municipalities. It is clear that this view is not only an exaggeration, but is also founded on a misunderstanding of what exactly the Constitution contrives to do. As to the relation between the Centre and the States, it is necessary to bear in mind the fundamental principle on which it rests. The basic principle of Federalism is that the Legislative and Executive authority is partitioned between the Centre and the States not by any law to be made by the Centre but by the Constitution itself. This is what Constitution does. The States under our Constitution are in no way dependent upon the Centre for their legislative or executive authority. The Centre and the States are co-equal in this matter. It is difficult to see how such a Constitution can be called centralism. It may be that the Constitution assigns to the Centre too large a field for the operation of its legislative and executive authority than is to be found in any other federal Constitution. It may be that the residuary powers are given to the Centre and not to the States. But these features do not form the essence of federalism. The chief mark of federalism as I said lies in the partition of the legislative and executive authority between the Centre and the Units by the Constitution. This is the principle embodied in our Constitution. There can be no mistake about it. It is, therefore, wrong to say that the States have been placed under the Centre. Centre cannot by its own will alter the boundary of that partition. Nor can the Judiciary. For as has been well said :

“Courts may modify, they cannot replace. They can revise earlier interpretations as new arguments, new points of view are presented, they can shift the dividing line in marginal cases, but there are barriers they cannot pass, definite assignments of power they cannot reallocate. They can give a broadening construction of existing powers, but they cannot assign to one authority powers explicitly granted to another.”

The first charge of centralisation defeating federalism must therefore fall.

STATES AND MINORITIES

What are Their Rights and How to Secure Them in the Constitution of Free India

*Memorandum on the Safeguards for the Scheduled Castes
submitted to the Constituent Assembly on behalf of
the All India Scheduled Castes Federation*

Published: 1947

STATES AND MINORITIES

PREFACE

Soon after it became definite that the framing of the future Constitution of India was to be entrusted to a Constituent Assembly, the Working Committee of the All-India Scheduled Castes Federation asked me to prepare a Memorandum on the Safeguards for the Scheduled Castes for being submitted to the Constituent Assembly, on behalf of the Federation. I very gladly undertook the task. The results of my labour are contained in this brochure.

The Memorandum defines Fundamental Rights, Minority Rights and Safeguards for the Scheduled Castes. Those who hold the view that the Scheduled Castes are not a minority might say that in this matter I have gone beyond prescribed bounds. The view that the Scheduled Castes are not a minority is a new dispensation issued on behalf of the High and Mighty Hindu Majority which the Scheduled Castes are asked to submit to. The spokesmen of the Majority have not cared to define its scope and its meaning. Anyone with a fresh and free mind, reading it as a general proposition, would be justified in saying that it is capable of double interpretation. I interpret it to mean that the Scheduled Castes are more than a minority and that any protection given to the citizens and to the minorities will not be adequate for the Scheduled Castes. In other words it means that their social, economic and educational condition is so much worse than that of the citizens and other minorities that in addition to protection they would get as citizens and as minorities the Scheduled Castes would require special safeguards against

the tyranny and discrimination of the majority. The other interpretation is that the Scheduled Castes differ from a minority and therefore they are not entitled to the protection which can be claimed by a minority. This interpretation appears to be such unmitigated nonsense that no sane man need pay any attention to it. The Scheduled Castes must be excused if they ignore it. Those who accept my interpretation of the view that the Scheduled Castes are not a minority will, I am sure, agree with me that I am justified in demanding for the Scheduled Castes, all the benefit of the Fundamental Rights of citizens, all the benefit of the Provisions for the Protection of the minorities and in addition special Safeguards.

The memorandum was intended to be submitted to the Constituent Assembly. There was no intention to issue it to the public. But my caste Hindu friends who have had the opportunity to read the typescript have pressed me to give it a wider circulation. Although it is meant for members of the Constituent Assembly, I do not see any breach of decorum in making it available to the general public. I have therefore agreed to fall in line with their wishes.

Instead of setting out my ideas in general terms, I have drafted the Memorandum in the form of Articles of the Constitution. I am sure that for the sake of giving point and precision this method will be found to be more helpful. For the benefit of the Working Committee of the Scheduled Castes Federation, I had prepared certain explanatory notes and other statistical material. As the notes and the statistical material are likely to be useful to the general reader, I have thought it better to print them along with the Memorandum rather than keep them back.

Among the many problems the Constituent Assembly has to face, there are two which are admittedly most difficult. One is the problem of the Minorities and the other is the problem of the Indian States. I have been a student of the problem of the Indian States and I hold some very definite and distinct views on the subject. It was my hope that the Constituent Assembly would elect me to the States Committee Evidently, it has found men of superior calibre for the work. It may also be because I am one of those who are outside the tabernacle and therefore undesirable. I am not sorry to find myself left out. My only regret is that I have lost an opportunity to which I was looking forward

for placing my views for the consideration of the Committee. I have therefore chosen to do the next best thing—namely, to incorporate them in this brochure along with the Rights of Citizens, of Minorities and of the Scheduled Castes so that a wider public may know what they are, may value them for what they are worth and may make such use of them as it may deem fit.

“Raja Graha”
Dadar, Bombay-14
15-3-47

B. R. AMBEDKAR

CONSTITUTION OF THE UNITED STATES OF INDIA

PROPOSED PREAMBLE

We the people of the territories of British India distributed into **(For explanation, administrative units called Provinces and Centrally see page 405)** Administered Areas and of the territories of the Indian States with a view to form a more perfect union of these territories do—
ordain that the Provinces and the Centrally Administered Areas (to be hereafter designated as States) and the Indian States shall be joined together into a Body Politic for Legislative, Executive and Administrative purposes under the style *The United States of India* and that the union so formed shall be indissoluble

and that with a view :

- (i) to secure the blessings both of self-government and good government throughout the united States of India to ourselves and to our posterity,
- (ii) to maintain the right of every subject to life, liberty and pursuit of happiness and to free speech and free exercise of religion,
- (iii) to remove social, political and economic inequality by providing better opportunities to the submerged classes,
- (iv) to make it possible for every subject to enjoy freedom from want and freedom from fear, and
- (v) to provide against internal disorder and external aggression,

establish this Constitution for the United States of India.

PROPOSED ARTICLE I**DETAILED ANALYSIS**

Article I, Section I—*Admission of Indian States into the Union :*

Clause 1. Qualified Indian States and their admission into the Union.

Clause 2. Relation of Qualified Indian States which have not entered the Union and of the Disqualified Indian States to the United States of India.

Clause 3. Power of the United States of India to reorganise the territory of the Disqualified Indian States into suitable Administrative Units with a view to qualify them for admission into the Union as States of the Union.

Clause 4. Formation of new States within the Union.

Article I, Section II—*United States of India and New Territory :*

Clause 1. Incorporation of Foreign States into the Union.

Clause 2. Acquisition of new territory by the United States of India and its retention as unincorporated territory of the Union.

ARTICLE I—Section I**ADMISSION OF INDIAN STATES INTO THE UNION***Clause 1*

The United States of India may, on application and on fulfilment of the terms prescribed by an Enabling Act of the Union Legislature laying down the form of the Constitution admit an Indian State into the Union provided the Indian State seeking admission is a Qualified State.

**For explanation,
see page 405**

For the purposes of this clause a list of Qualified Indian States shall be drawn up. A State shall not be deemed to be a Qualified State unless it is proved that it is of a standard size prescribed by the Union Legislature and is endowed with natural resources capable of supporting a descent standard of living for its people and can, by reason of its revenues and population function as an autonomous State, protect itself against external aggression, maintain Law and Order against internal disturbance and guarantee to its subjects minimum standards of administration and welfare which are expected from a modern State.

Clause 2

The territory of an Indian State which is a Qualified State but which has not entered the Union and the territory of the Indian States which are disqualified shall be treated as incorporated territories of the United States of India and shall at all times form integral parts thereof and shall be subject to such parts of the Constitution of the United States of India as may be prescribed by the Union Legislature.

Clause 3

The United States of India shall have power to reform, rearrange, redistribute and amalgamate the territories of Disqualified Indian States into suitable Administrative Units for admission into the Union as States of the Union.

Clause 4

After a State has been admitted into the Union as a State no new State shall be formed or created within its jurisdiction nor any new State shall be formed by the junction of two or more States or parts of States without the consent of the Legislatures of the States concerned as well as of the Union Legislature.

ARTICLE I—Section II*Clause 1*

The United States of India may admit into the Union any territory which forms a natural part of India or which is on the border of India on terms

and conditions mutually agreed upon. Provided that the terms shall not
(For explanation, be inconsistent with the Constitution of the United
see page 406) States of India and the admission is recommended by
the Legislatures of one half of the States comprising the
United States of India in the form of a resolution.

Clause 2

The United States of India may acquire territory and may treat it as unincorporated territory. The provisions of the Constitution of the United States of India shall not apply to the unincorporated territory unless a provision to the contrary is made by the Legislature of the United States of India.

PROPOSED ARTICLE II**DETAILED ANALYSIS**

Article II, Section I—*Fundamental Rights of Citizens.*

Article II, Section II—*Remedies against Invasion of Fundamental Rights:*

Clause 1. Judicial Protection.

Clause 2. Protection against Unequal Treatment.

Clause 3. Protection against Discrimination.

Clause 4. Protection against Economic Exploitation.

Article II, Section III—*Provisions for the Protection of Minorities:*

Clause 1. Protection against Communal Executive.

Clause 2. Protection against Social and Official Tyranny.

Clause 3. Protection against Social Boycott.

Clause 4. Authority and obligation of the Union and State Governments to spend money for public purposes including purposes beneficial to Minorities.

Article II, Section IV—*Safeguards for the Scheduled Castes.*

Part I—Guarantees:

Clause 1. Right to Representation in the Legislature and in the Local Bodies,

Clause 2. Right to Representation in the Executive.

Clause 3. Right to Representation in Services.

Part II—Special Responsibilities;

Clause 1. For Higher Education.

Clause 2. For Separate Settlements.

Part III—Sanction for Safeguards and Amendment of Safeguards :

Clause 1. Safeguards to be embodied in the Constitution.

Clause 2. Amendment of Safeguards.

Part IV—Protection of Scheduled Castes in Indian States.

Part V—Interpretation.

ARTICLE II—Section I**FUNDAMENTAL RIGHTS OF CITIZENS**

The Constitution of the United States of India shall recognize the following as Fundamental Rights of citizenship :

1. All persons born or naturalized within its territories are citizens of the United States of India and of the State wherein they reside. Any privilege or disability arising out of rank, birth, person, family, religion or religious usage and custom is abolished.

2. No State shall make or enforce any law or custom which shall abridge the privileges or immunities of citizens ; nor shall any State deprive any person of life, liberty and property without due process of law; nor deny to any person within its jurisdiction equal protection of law.

3. All citizens are equal before the law and possess equal civic rights. Any existing enactment, regulation, order, custom or interpretation of law by which any penalty, disadvantage or disability is imposed upon or any discrimination is made against any citizen shall, as from the day on which this Constitution comes into operation, cease to have any effect.

4. Whoever denies to any person, except for reasons by law applicable to persons of all classes and regardless of their social status, the full enjoyment of any of the accommodations, advantages, facilities, privileges of inns, educational institutions, roads, paths, streets, tanks, wells and other watering places, public conveyances on land, air or water, theatres or other places of public amusement, resort or convenience, whether they are dedicated to or maintained or licensed for the use of the public, shall be guilty of an offence.

5. All citizens shall have equal access to all institutions, conveniences and amenities maintained by or for the public.

6. No citizen shall be disqualified to hold any public office or exercise any trade or calling by reason of his or her religion, caste, creed, sex or social status.

7. (i) Every citizen has the right to reside in any part of India. No law shall be made abridging the right of a citizen to reside except for consideration of public order and morality.

(ii) Every citizen has the right to settle in any part of India, subject to the production of a certificate of citizenship from the State of his origin. The permission to settle shall not be refused or withdrawn except on grounds specified in sub-clause (iv) of this clause.

(iii) The State in which a citizen wishes to settle may not impose any special charge upon him in respect of such settlement other than the charge imposed upon its own inhabitants. The maximum fees chargeable in respect of permits for settlement shall be determined by laws made by the Union Legislature.

(iv) The permission to settle may be refused or withdrawn by a State from persons—

- (a) who have been habitual criminals ;
- (b) whose intention to settle is to alter the communal balance of the State ;
- (c) who cannot prove to the satisfaction of the State in which they wish to settle that they have an assured means of subsistence and who are likely to become or have become a permanent burden upon public charity;
- (d) whose State of origin refuses to provide adequate assistance for them when requested to do so,

(v) Permission to settle may be made conditional upon the applicant being capable of work and not having been a permanent charge upon public charity in the place of his origin, and able to give security against unemployment.

(vi) Every expulsion must be confirmed by the Union Government.

(vii) Union Legislature shall define the difference between settlement and residence and at the same time, prescribe regulations governing the political and civil rights of persons during their residence.

8. The Union Government shall guarantee protection against persecution of a community as well as against internal disorder or violence arising in any part of India.

9. Subjecting a person to forced labour or to involuntary servitude shall be an offence.

10. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

11. The right of a citizen to vote shall not be denied or abridged on any account other than immaturity, imprisonment and insanity.

12. No law shall be made abridging the freedom of Speech, of the Press, of Association and of Assembly except for consideration of public order and morality.

13. No Bill of attainder or *ex post facto* law shall be passed.

14. The State shall guarantee to every Indian citizen liberty of conscience and the free exercise of his religion including the right to profess, to preach and to convert within limits compatible with public order and morality.

15. No person shall be compelled to become a member of any religious association, submit to any religious instruction or perform any act of religion. Subject to the foregoing provision, parents and guardians shall be entitled to determine the religious education of children up to the age of 16 years.

16. No person shall incur any penalties of any kind whatsoever by reason of his caste, creed or religion nor shall any person be permitted to refuse to fulfil any obligation of citizenship on the ground of caste, creed or religion.

17. The State shall not recognise any religion as State religion.

18. Persons following a religion shall be guaranteed freedom of association and shall have, if they so desire, the right to call upon the State to pass legislation in terms approved by them making them into a body corporate.

19. Every religious association shall be free to regulate and administer its affairs, within the limits of the laws applicable to all.

20. Religious associations shall be entitled to levy contributions on their members who are willing to pay them if their law of incorporation permits them to do so. No person may be compelled to pay taxes the proceeds of which are specifically appropriated for the use of any religious community of which he is not a member.

21. All offences under this section shall be deemed to be cognizable offences. The Union Legislature shall make laws to give effect to such provisions as require legislation for that purpose and to prescribe punishment for those acts which are declared to be offences.

ARTICLE II—Section II

REMEDIES AGAINST INVASION OF FUNDAMENTAL RIGHTS

The United States of India shall provide :

Clause 1

(1) That the Judicial Power of India shall be vested in a Supreme Court.

**Judicial Protection
against Executive
Tyranny.**

**(For explanation, see
page 406)**

revisional jurisdiction.

(2) The Supreme Court shall have the power of superintendence over all other Courts or officers exercising the powers of a Court, whether or not such Courts or officers are subject to its appellate or

(3) The Supreme Court shall have the power on the application of an aggrieved party to issue what are called prerogative writs such as *Hebeas Corpus*, *Quo Warranto Prohibition*, *Certiorari* and *Mandamus*, etc. For purposes of such writs the Supreme Court shall be a Court of general jurisdiction throughout India.

(4) The right to apply for a writ shall not be abridged or suspended unless when in cases of rebellion or invasion the public safety may require it.

Clause 2

That the Authority of the Legislature and the Executive of the Union **Protection against
Unequal Treatment.** as well as of every State throughout India shall be subject to the following limitations :
**(For explanation, see
pages 406-8)**

It shall not be competent for any Legislature or Executive in India to pass a law or issue an order, rule or regulation so as to violate the following rights of the subjects of the State :

(1) to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property.

(2) to be eligible for entry into the civil and military employ and to all educational institutions except for such conditions and limitations as may be necessary to provide for the due and adequate representation of all classes of the subjects of the State.

(3) to be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, educational institutions, privileges of inns, rivers, streams, wells, tanks, roads, paths, streets, public conveyances on land, air and water, theatres and other places of public resort or amusement except for such conditions and limitations applicable alike to all subjects of every race, class, caste, colour or creed.

(4) to be deemed fit for and capable of sharing without distinction the benefits of any religious or charitable trust dedicated to or created, maintained or licensed for the general public or for persons of the same faith and religion.

(5) to claim full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by other subjects regardless of any usage or custom or usage or custom based on religion and be subject to like punishment, pains and penalties and to none other.

Clause 3

(1) Discrimination against citizens by Government officers in Public **Protection against Discrimination.** administration or by private employers in factories and commercial concerns on the ground of race or creed or social status shall be treated as an offence. The jurisdiction to try such cases shall be vested in a tribunal to be created for the purpose. **(For explanation, see page 408)**

(2) The Union Legislature shall have the right as well as the obligation to give effect to this provision by appropriate legislation.

Clause 4

The United States of India shall declare as a part of the law of its constitution—

(1) That industries which are key industries or which may be declared to be **Protection against Economic Exploitation.** key industries shall be owned and run by the State ; **(For explanation, see pages 408-12)**

(2) That industries which are not key industries but which are basic industries shall be owned by the State and shall be run by the State or by Corporations established by the State ;

(3) That Insurance shall be a monopoly of the State and that the State shall compel every adult citizen to take out a life insurance policy commensurate with his wages as may be prescribed by the Legislature ;

(4) That agriculture shall be State Industry;

(5) That State shall acquire the subsisting rights in such industries, insurance and agricultural land held by private individuals, whether as owners, tenants or mortgagees and pay them compensation in the form of debenture equal to the value of his or her right in the land. Provided that in reckoning the value of land, plant or security no account shall be taken of any rise therein due to emergency, of any potential or unearned value or any value for compulsory acquisition;

(6) The State shall determine how and when the debenture holder shall be entitled to claim cash payment;

(7) The debenture shall be transferable and inheritable property but neither the debenture holder nor the transferee from the original holder nor his heir shall be entitled to claim the return of the land or interest in any industrial concern acquired by the State or be entitled to deal with it in any way ;

(8) The debenture-holder shall be entitled to interest on his debenture at such rate as may be defined by law, to be paid by the State in cash or in kind as the State may deem fit;

(9) Agricultural industry shall be organized on the following basis :

- (i) The State shall divide the land acquired into farms of standard size and let out the farms for cultivation to residents of the village as tenants (made up of group of families) to cultivate on the following conditions :
 - (a) The farm shall be cultivated as a collective farm ;
 - (b) The farm shall be cultivated in accordance with rules and directions issued by Government;
 - (c) The tenants shall share among themselves in the manner prescribed the produce of the farm left after the payment of charges properly leviable on the farm ;
- (ii) The land shall be let out to villagers without distinction of caste or creed and in such manner that there will be no landlord, no tenant and no landless labourer ;
- (iii) It shall be the obligation of the State to finance the cultivation of the collective farms by the supply of water, draft animals, implements, manure, seeds, etc.;
- (iv) The State shall be entitled to—
 - (a) to levy the following charges on the produce of the farm :
 - (i) a portion for land revenue ;
 - (ii) a portion to pay the debenture-holders ; and
 - (iii) a portion to pay for the use of capital goods supplied ; and
 - (b) to prescribe penalties against tenants who break the conditions of tenancy or wilfully neglect to make the best use of the means of cultivation offered by the State or otherwise act prejudicially to the scheme of collective farming ;

(10) The scheme shall be brought into operation as early as possible but in no case shall the period extend beyond the tenth year from the date of the Constitution coming into operation.

ARTICLE II—Section III**PROVISIONS FOR THE PROTECTION OF MINORITIES**

The Constitution of the United States of India shall provide :

Clause 1

(1) That the Executive—Union or State—shall be non-Parliamentary in **Protection against** the sense that it shall not be removable before the **Communal Executive.** term of the Legislature.
(For explanation, see pages 412-15)

(2) Members of the Executive if they are not members of the Legislature shall have the right to sit in the Legislature, speak, vote and answer questions.

(3) The Prime Minister shall be elected by the whole House by single transferable vote.

(4) The representatives of the different minorities in the Cabinet shall be elected by members of each minority community in the Legislature by single transferable vote.

(5) The representatives of the majority community in the Executive shall be elected by the whole House by single transferable vote.

(6) A member of the Cabinet may resign his post on a censure motion or otherwise but shall not be liable to be removed except on impeachment by the House on the ground of corruption or treason.

Clause 2

(1) That there shall be appointed an Officer to be called the Superintendent **Protection against** of Minority Affairs.
social and official
tyranny.

(2) His status shall be similar to that of the Auditor-General appointed under section 166 of the Government of India Act of 1935 and removable in like manner and on the like grounds as a Judge of the Supreme Court,
(For explanation, see page 416)

(3) It shall be the duty of the Superintendent to prepare an annual report on the treatment of minorities by the public, as well as by the Governments, Union and State and of any transgressions of safeguards or any miscarriage of justice due to communal bias by Governments or their Officers.

(4) The Annual Report of the Superintendent shall be placed on the Table of the Legislatures—Union and State, and the Governments—Union and State, shall be bound to provide time for the discussion of the Report.

Clause 3

That Social Boycott, Promoting or Instigating a Social Boycott or **Protection against** Threatening a Social Boycott as defined below shall be **social boycott.** declared to be an offence :
(For explanation, see pages 416-18)

(i) *Boycott Defined*.—A person shall be deemed to boycott another who—

- (a) refuses to let or use or occupy any house or land, or to deal with, work for hire, or do business with another person, or to render to him or receive from him any service, or refuses to do any of the said things on the terms on which such things should commonly be done in the ordinary course of business, or
- (b) abstains from such social, professional or business relations as he would, having regard to such existing customs in the community which are not inconsistent with any fundamental right or other rights of citizenship declared in the Constitution, ordinarily maintain with such person, or
- (c) in any way injures, annoys or interferes with such other person in the exercise of his lawful rights.

(ii) *Offence of Boycotting*.—Whoever, in consequence of any person having done any act which he was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do, or with intent to cause harm to such person in body, mind, reputation or property, or in his business or means of living, boycotts such person or any person in whom such person is interested, shall be guilty of offence of boycotting.

Provided that no offence shall be deemed to have been committed under this Section, if the Court is satisfied that the accused person has not acted at the instigation of or in collusion with any other person or in pursuance of any conspiracy or of any agreement or combination to boycott.

(iii) *Offence of Instigating or Promoting a Boycott*.—

Whoever—

- (a) publicly makes or publishes or circulates a proposal for, or
- (b) makes, publishes or circulates any statement, rumour or report with intent to, or which he has reason to believe to be likely to cause, or
- (c) in any other way instigates or promotes the boycotting of any person or class of persons, shall be guilty of the offence of instigating or promoting a boycott.

Explanation.—An offence under this clause shall be deemed to have been committed although the person affected or likely to be affected by any action of the nature referred to herein is not designated by name or class but only by his acting or abstaining from acting in some specified manner.

(iv) *Offence of Threatening a Boycott*.—Whoever, in consequence of any person having done any act which he was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do,

threatens to cause such person or any person in whom such person is interested, to be boycotted shall be guilty of the offence threatening a boycott.

Exception.—It is not boycott—

- (i) to do any act in furtherance of a *bona fide* labour dispute ;
- (ii) to do any act in the ordinary course of business competition.

(2) All these offences shall be deemed to be cognizable offences. The Union Legislature shall make laws prescribing punishment for these offences.

Clause 4

That the Power of the Central and Provincial Governments to make grants for any purpose, notwithstanding that the purpose is not one for which the Union or State Legislature as the case may be may make laws, shall not be abridged or taken away.

Power of Governments to spend money for any purposes connected with the Government of India including purposes beneficial to the Minorities.
(For explanation, see page 418)

ARTICLE II—Section IV**SAFEGUARDS FOR THE SCHEDULED CASTES****PART I—GUARANTEES**

The Constitution of the United States of India shall guarantee to the Scheduled
Right to Castes the following Rights:
Representation in
the Legislature.
(For explanation,
see pages 419-24)

*Clause 1**Right to Representation in the Legislature*

(1) *Quantum of Representation.*—(a) (i) The Scheduled Castes shall have minimum representation in the Legislature—Union and State—and if there be a group Constitution then in the group Legislature equal to the ratio of their population to the total population. Provided that no other minority is allowed to claim more representation than what is due to it on the basis of its population.

(ii) The Scheduled Castes of Sind and N.W.F. Provinces shall be given their due share of representation.

(iii) Weightage where it becomes necessary to reduce a huge communal majority to reasonable dimensions shall come out of the share of the majority. In no case shall it be at the cost of another minority community.

(iv) Weightage carved out from the share of majority shall not be assigned to one community only. But the same shall be divided among all minority communities equally or in inverse proportion to their—

- (1) economic position,
- (2) social status, and
- (3) educational advance.

(b) There should be no representation to special interests. But if the same is allowed it must be taken out of the share of representation given to that community to which the special interest belongs.

*(2) Method of Election—**(A) For Legislative Bodies*

- (a) The system of election introduced by the Poona Pact shall be abolished.
- (b) In its place, the system of *Separate Electorates* shall be substituted.
- (c) Franchise shall be adult franchise.
- (d) The system of voting shall be cumulative.

(B) For Local Bodies

The principles for determining the quantum of representation and the Method of election for Municipalities and Local Boards shall be the same as that adopted for the Union and State Legislatures.

Clause 2

(1) The Scheduled Castes shall have minimum representation in the Executive—Union and State—and if there be a group **Right to Representation in the Executive.** Constitution then in the group Executive equal to the ratio of their population to the total population. Provided that no minority community is allowed to claim more than its population ratio. **(For explanation, see pages 424-25)**

(2) Weightage where it becomes necessary to reduce a huge majority to reasonable dimensions shall come out of the share of the majority community. In no case shall it be at the cost of another minority community,

(3) Weightage carved out from the share of the majority shall not be assigned to one community only But the same shall be divided among all minorities equally or in inverse proportion to :

- (i) their economic position.
- (ii) social status, and
- (iii) educational advance.

*Clause 3**Right to Representation in the Services*

(a) The quantum of representation of the Scheduled Castes in the Services **Right to Representation in services.** shall be as follows : **(For explanation, see page 425)**

- (i) *In the Union Services.*—In proportion to the ratio of their population to the total population in India or British India as the case may be.
- (ii) *In the State and Group Services.*—In proportion to their population in the State or Union.
- (iii) *In the Municipal and Local Board Services.*—In proportion to their population in the Municipal and Local Boards areas :

Provided that no minority community is allowed to claim more than its population ratio of representation in the Services.

(b) Their right to representation in the Services shall not be curtailed except by conditions relating to minimum qualifications, education, age, etc.

(c) The conditions prescribed for entry in Services shall not abrogate any of the concessions given to the Scheduled Castes by the Government of India in their Resolutions of 1942 and 1945.

(d) The method of filling up the vacancies shall conform to the rules prescribed in the Government of India Resolutions of 1942 and 1946.

(e) On every Public Services Commission or a Committee constituted for filling vacancies, the Scheduled Castes shall have at least one representative.

PART II—SPECIAL RESPONSIBILITIES

That the United States of India shall undertake the following special **Provisions for Higher Education** responsibilities for the betterment of the Scheduled Castes : **(For explanation, see page 425)**

Clause 1

(1) Governments—Union and State—shall be required to assume financial responsibility for the higher education of the Scheduled Castes and shall be required to make adequate provisions in their budgets. Such Provisions shall form the first charge on the Education Budget of the Union and State Government.

(2) The responsibility for finding money for secondary and college education of the Scheduled Castes in India shall be upon the State Governments and the different States shall make a provision in their annual budgets for the said purpose in proportion to the population of the Scheduled Castes to the total budget of the States.

(3) The responsibility for finding money for foreign education of the Scheduled Castes shall be the responsibility of the Union Government and the Union Government shall make a provision of rupees 10 lakhs per year in its annual budget in that behalf.

(4) These special grants shall be without prejudice to the right of the Scheduled Castes to share in the expenditure incurred by the State Government for the advancement of primary education for the people of the State.

Clause 2

1. The following provision shall be made in the Constitution of the Union
Provision for New Government :
Settlements.

(For explanation,
see pages 425-26)

- (i) There shall be a Settlement Commission under the new Constitution to hold uncultivated lands belonging to the State in trust for Settlement of the Scheduled Castes in separate villages.
- (ii) The Union Government shall set apart annually a fund of Rs. 5 crores for the purpose of promoting the scheme of settlement.
- (iii) That the Commission shall have the power to purchase any land offered for sale and use it for the said purpose.

2. The Union Government shall from time to time pass such legislation as may be necessary for the Commission to carry out its functions.

PART III—SANCTION FOR SAFEGUARDS AND AMENDMENT OF SAFEGUARDS

Clause 1

The Constitution of the United States shall provide that—

The United States of India undertakes to give the safeguards contained
Sanction for in Article II Section IV a place in the Constitution and
safeguards. make them a part of the Constitutional Law of India.
(For explanation,
see pages 426-28)

Clause 2

The provisions for the Scheduled Castes shall not be altered, amended or **Mode of Amendment** abrogated except in the following manner :
of safeguards.
(For explanation, see
page 428).

Any amendment or abrogation of Section IV of Article II or any part thereof relating to the Scheduled Castes shall only be made by a Resolution passed in the manner prescribed below by the more Popular Chamber of the Union Legislature :

- (i) Any proposal for amendment or abrogation shall be initiated in the form of a Resolution in the more Popular Chamber of the Union Legislature.
- (ii) No such Resolution shall be moved—
 - (a) unless 25 years have elapsed after the Constitution has come into operation and has been worked ; and
 - (b) unless six months' notice has been given to the House by the mover of his intention to move such a Resolution.
- (iii) On the passing of such a Resolution, the Legislature shall be dissolved and a new election held.
- (iv) The original Resolution in the form in which it was passed by the previous Legislature shall be moved afresh in the same House of the newly elected Union Legislature.
- (v) The Resolution shall not be deemed to have been carried unless it is passed by a majority of two-thirds of the members of the House and also two-thirds of members of the Scheduled Castes who have been returned through separate electorates.

PART IV—PROTECTION OF SCHEDULED CASTES IN THE INDIAN STATES

Safeguards for The Constitution of the United States shall provide that
Scheduled Castes in the admission of the Indian States into the Union shall be
Indian States. subject to the following condition :
(For explanation,
see page 428)

“All provisions relating to the Scheduled Castes contained in Section IV of Article II of the Constitution of the United States of India shall be extended to the Scheduled Castes in the Indian States. Such a provision in the Constitution of an Indian States shall be a condition precedent for its admission into the Union.”

PART V—INTERPRETATION

I. For the purposes of Article II the Scheduled Castes, as defined in the Government **Scheduled Castes** of India Scheduled Caste Order, 1936, issued under the Government **a Minority.** of India Act, 1935, shall be deemed to be a minority.
(For explanation, see
page 428)

II. For the purposes of Article II a Caste which is a Scheduled Caste in one **Scheduled Castes and** State shall be treated as Scheduled Caste in all States of **change of Domicile.** the Union.
(For explanation, see
page 428)

Appendix I**EXPLANATORY NOTES***Preamble*

The Preamble gives constitutional shape and form to the Resolution on objectives passed by the Constituent Assembly on Wednesday the 22nd January 1947.

ARTICLE I—Section I*Clauses 1 to 4*

The admission of the six hundred and odd Indian States into the Union raises many difficult questions. The most difficult of them is the one which relates to their admission into the Union. Every Indian State is claiming to be a Sovereign State and is demanding to be admitted into the Union in its own right. The Indian States fall into different classes from the view of size, population, revenue and resources. It is obvious that every State admitted into the Union as a State must have the capacity to bear the burden of modern administration to maintain peace within its own borders and to possess the resources necessary for the economic advancement of its people. Otherwise, the United States of India is likely to be encumbered with a large number of weak States which, instead of being a help to the Central Government, will be a burden upon it. The Union Government with such small and weak States as its units will never be able to pull its full weight in an emergency. It is therefore obvious that it would be a grave danger to the future safety of India if every Indian State were admitted into the Union without any scrutiny of its capacity to bear the burden of modern administration and maintaining internal peace. To avoid this danger, the Article proceeds to divide the Indian States into two classes: (1) Qualified Indian States and (2) Unqualified Indian States. It proposes that a list of Qualified Indian States should be drawn up as a first step in the procedure to be followed for the admission of the Indian States into the Union. A Qualified Indian State will be admitted into the Union on an application for admission and the fulfilment of the provisions of the Enabling Act which the Union Legislature is authorized to pass for the purpose of requiring an appropriate form of internal Government set up within the State which will be in consonance to the principles underlying the Constitution of the United States of India. The territory in the occupation of the Unqualified Indian States will be treated as the territory of the United States of India and will be reorganized into States of suitable sizes by the United States of India. In the meantime those who are rulers of the territory shall continue to administer the territory under the supervision of the United States of India. The Act also declares that the Indian territory whether in the occupation of British Indian Provinces or of the Indian States is one and integral and will be so even though an Indian State has not entered into the Union.

Clause 4 provides that once a State is admitted into the Union, its integrity shall be maintained and it shall not be liable to sub-division except in accordance with the provisions contained in the clause.

ARTICLE I—Section II

Clauses 1 and 2

Clause 1 permits the United States of India to incorporate States which are independent but which are on the border and which desire to join the Union.

Clause 2 enables the United States of India to acquire territory and to incorporate it or to treat it as separate territory.

ARTICLE II—Section I

The inclusion of Fundamental Rights in the Constitution requires no justification. The necessity of Fundamental Rights is recognized in all Constitutions old and new. The Fundamental Rights included in the Article are borrowed from the Constitutions of various countries particularly from those wherein the conditions are more or less analogous to those existing in India.

ARTICLE II—Section II

Clause 1

Rights are real only if they are accompanied by remedies. It is no use giving rights if the aggrieved person has no legal remedy to which he can resort when his rights are invaded. Consequently when the Constitution guarantees rights it also becomes necessary to make provision to prevent the Legislature and the Executive from overriding them. This function has been usually assigned to the judiciary and the Courts have been made the special guardians of the rights guaranteed by the Constitution. The clause does no more than this. The clause proposes to give protection to the citizen against Executive tyranny by investing the Judiciary with certain powers of inquisition against the abuse of authority by the Executive. This power takes the form of issue of writs. The High Courts in India possess these powers under the Government of India and under their letters patent. These powers are however subject to two limitations. In the first place the powers given by the Letters Patent are available only to the High Courts in the Presidency Towns and not to all. Secondly these powers are subject to laws made by the Indian Legislature. Thirdly the powers given by the Government of India Act, 1935 are restricted and may prove insufficient for the protection of the aggrieved person. The clause achieves two objectives : (1) to give the fullest power to the Judiciary to issue what under the English Law are called Prerogative Writs and (2) to prevent the Legislature from curtailing these powers in any manner whatsoever.

Clause 2

It is difficult to expect that in a country like India where most persons are communally minded those in authority will give equal treatment to those

who do not belong to their community. Unequal treatment has been the inescapable fate of the Untouchables in India. The following extract from the Proceedings of the Board of Revenue of the Government of Madras No. 723 dated 5th November, 1892. illustrates the sort of unequal treatment which is meted out to the Scheduled Castes by Hindu Officers. Says the report :

“134. There are forms of oppression only hitherto hinted at which must be at least cursorily mentioned. To punish disobedience of Pariahs, their masters—

- (a) bring false cases in the village Court or in the criminal Courts;
- (b) obtain, on application, from Government, waste lands lying all round the paracheri, so as to impound the Pariahs' cattle or obstruct the way to their temple;
- (c) have mirasi names fraudulently entered in the Government account against the paracheri;
- (d) pull down the huts and destroy the growth in the backyards;
- (e) deny occupancy right in immemorial sub-tenancies;
- (f) forcibly cut the Pariahs' crops, and on being resisted charge them with theft and rioting;
- (g) under misrepresentations, get them to execute documents by which they are afterwards ruined;
- (h) cut off the flow of water from their fields;
- (i) without legal notice, have the property of sub-tenants attached for the landlords' arrears of revenue.”

“135. It will be said there are civil and criminal Courts for the redress of any of these injuries. There are the Courts indeed; but India does not breed village Hampdens. One must have courage to go to the Courts; money to employ legal knowledge, and meet legal expenses; and means to live during the case and the appeals. Further most cases depend upon the decision of the first Court; and these Courts are presided over by officials who are sometimes corrupt and who generally for other reasons, sympathize with the wealthy and landed classes to which they belong.”

“136. The influence of these classes with the official world can hardly be exaggerated. It is extreme with natives and great even with Europeans. Every office, from the highest to the lowest, is stocked with their representatives, and there is no proposal affecting their interests but they can bring a score of influence to bear upon it in its course from inception to execution.”

The Punjab Land Alienation Act is another illustration of unequal treatment of the Untouchables by the Legislature.

Many other minority communities may be suffering from similar treatment at the hands of the majority community. It is therefore necessary to have

such a provision to ensure that all citizens shall have equal benefit of Laws, Rules and Regulations.

The provisions of Clause 2 are borrowed from Civil Rights Protection Act, 1866, and of March 1st, 1875 passed by the Congress of the United States of America to protect the Negroes against unequal treatment.

Clause 3

Discrimination is another menace which must be guarded against if the Fundamental Rights are to be real rights. In a country like India where it is possible for discrimination to be practised on a vast scale and in a relentless manner Fundamental Rights can have no meaning. The Remedy follows the lines adopted in the Bill which was recently introduced in the Congress of the U.S.A. the aim of which is to prevent discrimination being practised against the Negroes.

Clause 4

The main purpose behind the clause is to put an obligation on the State to plan the economic life of the people on lines which would lead to highest point of productivity without closing every avenue to private enterprise, and also provide for the equitable distribution of wealth. The plan set out in the clause proposes State ownership in agriculture with a collectivised method of cultivation and a modified form of State Socialism in the field of industry. It places squarely on the shoulders of the State the obligation to supply capital necessary for agriculture as well as for industry. Without the supply of capital by the State neither land nor industry can be made to yield better results. It also proposes to nationalize insurance with a double objective. Nationalized Insurance gives the individual greater security than a private Insurance Firm does inasmuch as it pledges the resources of the State as a security for the ultimate payment of his insurance money. It also gives the State the resources necessary for financing its economic planning in the absence of which it would have to resort to borrowing from the money market at a high rate of interest. State Socialism is essential for the rapid industrialization of India. Private enterprise cannot do it and if it did it would produce those inequalities of wealth which private capitalism has produced in Europe and which should be a warning to Indians. Consolidation of Holdings and Tenancy Legislation are worse than useless. They cannot bring about prosperity in agriculture. Neither Consolidation nor Tenancy Legislation can be of any help to the 60 millions of Untouchables who are just landless labourers. Neither Consolidation nor Tenancy Legislation can solve their problem. Only collective farms on the lines set out in the proposal can help them. There is no expropriation of the interests concerned. Consequently there ought to be no objection to the proposal on that account.

The plan has two special features. One is that it proposes State Socialism in important fields of economic life. The second special feature of the

plan is that it does not leave the establishment of State Socialism to the will of the Legislature. It establishes State Socialism by the Law of the Constitution and thus makes it unalterable by any act of the Legislature and the Executive.

Students of Constitutional Law will at once raise a protest. They are sure to ask : Does not the proposal go beyond the scope of the usual type of Fundamental Rights ? My answer is that it does not. If it appears to go beyond it is only because the conception of Fundamental Rights on which such criticism is based is a narrow conception. One may go further and say that even from the narrow conception of the scope of the Constitutional Law as comprising no more than Fundamental Rights the proposal can find ample justification. For what is the purpose of prescribing by law the shape and form of the economic structure of society ? The purpose is to protect the liberty of the individual from invasion by other individuals which is the object of enacting Fundamental Rights. The connection between individual liberty and the shape and form of the economic structure of society may not be apparent to everyone. None the less the connection between the two is real. It will be apparent if the following considerations are borne in mind.

Political Democracy rests on four premises which may be set out in the following terms :

- (i) The individual is an end in himself.
- (ii) That the individual has certain inalienable rights which must be guaranteed to him by the Constitution.
- (iii) That the individual shall not be required to relinquish any of his constitutional rights as a condition precedent to the receipt of a privilege.
- (iv) That the State shall not delegate powers to private persons to govern others.

Anyone who studies the working of the system of social economy based on private enterprise and pursuit of personal gain will realize how it undermines, if it does not actually violate, the last two premises on which Democracy rests. How many have to relinquish their constitutional rights in order to gain their living ? How many have to subject themselves to be governed by private employers?

Ask those who are unemployed whether what are called Fundamental Rights are of any value to them. If a person who is unemployed is offered a choice between a job of some sort, with some sort of wages, with no fixed hours of labour and with an interdict on joining a union and the exercise of his right to freedom of speech, association, religion, etc., can there be any doubt as to what his choice will be. How can it be otherwise ? The fear of starvation, the fear of losing a house, the fear of losing savings if any, the fear of being compelled to take children away from school, the fear

of having to be a burden on public charity, the fear of having to be burned or buried at public cost are factors too strong to permit a man to stand out for his Fundamental Rights. The unemployed are thus compelled to relinquish their Fundamental Rights for the sake of securing the privilege to work and to subsist.

What about those who are employed? Constitutional Lawyers assume that the enactment of Fundamental Rights is enough to safeguard their liberty and that nothing more is called for. They argue that where the State refrains from intervention in private affairs—economic and social—the residue is liberty. What is necessary is to make the residue as large as possible and State intervention as small as possible. It is true that where the State refrains from intervention what remains is liberty. But this does not dispose of the matter. One more question remains to be answered. To whom and for whom is this liberty ? Obviously this liberty is liberty to the landlords to increase rents, for capitalists to increase hours of work and reduce rate of wages. This must be so. It cannot be otherwise. For in an economic system employing armies of workers, producing goods *en masse* at regular intervals some one must make rules so that workers will work and the wheels of industry run on. If the State does not do it the private employer will. Life otherwise will become impossible. In other words what is called liberty from the control of the State is another name for the dictatorship of the private employer.

How to prevent such a thing happening ? How to protect the unemployed as well as the employed from being cheated out of their Fundamental Rights to life, liberty and pursuit of happiness ? The useful remedy adopted by Democratic countries is to *limit* the power of Government to impose arbitrary restraints in political domain and to *invoke* the ordinary power of the Legislature to restrain the more powerful individual from imposing arbitrary restraints on the less powerful in the economic field. The inadequacy may the futility of the plan has been well-established. The successful invocation by the less powerful of the authority of the Legislature is a doubtful proposition. Having regard to the fact that even under adult suffrage all Legislatures and Governments are controlled by the more powerful an appeal to the Legislature to intervene is a very precarious safeguard against the invasion of the liberty of the less powerful. The plan follows quite a different method. It seeks to limit not only the power of Government to impose arbitrary restraints but also of the more powerful individuals or to be more precise to eliminate the possibility of the more powerful having the power to impose arbitrary restraints on the less powerful by withdrawing from the control he has over the economic life of people. There cannot be slightest doubt that of the two remedies against the invasion by the more powerful of the rights and liberties of the less powerful the one contained in the proposal is undoubtedly the more effective. Considered

in the light of these observations the proposal is essentially a proposal for safeguarding the liberty of the individual. No Constitutional Lawyer can therefore object to it on the ground that it goes beyond the usual scope of Constitutional Law.

So far as the plan has been considered purely as a means of safeguarding individual liberty. But there is also another aspect of the plan which is worthy of note. It is an attempt to establish State Socialism without abrogating Parliamentary Democracy and without leaving its establishment to the will of a Parliamentary Democracy. Critics of State Socialism even its friends are bound to ask why make it a part of the Constitutional Law of the land? Why not leave it to the Legislature to bring it into being by the ordinary process of Law. The reason why it cannot be left to the ordinary Law is not difficult to understand. One essential condition for the success of a planned economy is that it must not be liable to suspension or abandonment. It must be permanent. The question is how this permanence can be secured. Obviously it cannot be secured under the form of Government called Parliamentary Democracy under the system of Parliamentary Democracy, the policy of the Legislature and of the Executive is the policy of the majority for the time being. Under the system of Parliamentary Democracy the majority in one election may be in favour of State Socialism in Industry and in Agriculture. At the next election the majority may be against it. The anti-State Socialism majority will use its Law-making power to undoing the work of the pro-State Socialism majority and the pro-State Socialism majority will use its Law-making power to doing over again what has been undone by their opponents. Those who want the economic structure of society to be modelled on State Socialism must realize that they cannot leave the fulfilment of so fundamental a purpose to the exigencies of ordinary Law which simple majorities—whose political fortunes are never determined by rational causes—have a right to make and unmake. For these reasons Political Democracy seems to be unsuited for the purpose.

What is the alternative ? The alternative is Dictatorship. There is no doubt that Dictatorship can give the permanence which State Socialism requires as an essential condition for its fructification. There is however one fact against Dictatorship which must be faced. Those who believe in individual freedom strongly object to Dictatorship and insists upon Parliamentary Democracy as a proper form of Government for a Free Society. For they feel that freedom of the individual is possible only under Parliamentary Democracy and not under Dictatorship. Consequently those who want freedom are not prepared to give up Parliamentary Democracy as a form of Government. However, much they may be anxious to have State Socialism they will not be ready to exchange Parliamentary Democracy for Dictatorship even though the gain by such an exchange is the achievement of State Socialism. The problem therefore is to have State Socialism

without Dictatorship, to have State Socialism with Parliamentary Democracy. The way out seems to be to retain Parliamentary Democracy and to prescribe State Socialism by the Law of the Constitution so that it will be beyond the reach of a Parliamentary majority to suspend, amend or abrogate it. It is only by this that one can achieve the triple object, namely, to establish socialism, retain Parliamentary Democracy and avoid Dictatorship.

The proposal marks a departure from the existing Constitutions whose aim is merely to prescribe the form of the political structure of society leaving the economic structure untouched. The result is that the political structure is completely set at naught by the forces which emerge from the economic structure which is at variance with the political structure. Those who want socialism with Parliamentary Democracy and without Dictatorship should welcome the proposal.

The soul of Democracy is the doctrine of one man, one value. Unfortunately, Democracy has attempted to give effect to this doctrine only so far as the political structure is concerned by adopting the rule of one man, one vote which is supposed to translate into fact the doctrine of one man, one value. It has left the economic structure to take the shape given to it by those who are in a position to mould it. This has happened because Constitutional Lawyers have been dominated by the antiquated conception that all that is necessary for a perfect Constitution for Democracy was to frame a Constitutional Law which would make Government responsible to the people and to prevent tyranny of the people by the Government. Consequently, almost all Laws of Constitution which relate to countries which are called Democratic stop with Adult Suffrage and Fundamental Right. They have never advanced to the conception that the Constitutional Law of Democracy must go beyond Adult Suffrage and Fundamental Rights. In other words, old time Constitutional Lawyers believed that the scope and function of Constitutional Law was to prescribe the shape and form of the political structure of society. They never realized that it was equally essential to prescribe the shape and form of the economic structure of society, if Democracy is to live up to its principle of one man, one value. Time has come to take a bold step and define both the economic structure as well as the political structure of society by the Law of the Constitution. All countries like India which are late-comers in the field of Constitution-making should not copy the faults of other countries. They should profit by the experience of their predecessors.

ARTICLE II—Section III

Clause 1

In the Government of India Acts of 1919 and 1935 the model that was adopted for framing the structure of the Executive in the Provinces and

in the Centre was of the British type or what is called by Constitutional Lawyers Parliamentary Executive as opposed to the American type of Executive which in contradistinction of the British type is called Non-Parliamentary Executive. The question is whether the pattern for the Executive adopted in the two Acts should be retained or whether it should be abandoned and if so what model should be adopted in its place. Before giving final opinion on this issue it would be desirable to set out the special features of the British type of the Executive and the consequences that are likely to follow if it was applied to India.

The following may be taken to be the special features of British or the Parliamentary Executive :

- (1) It gives a party which has secured a majority in the Legislature the right to form a Government.
- (2) It gives the majority party the right to exclude from Government persons who do not belong to the Party.
- (3) The Government so formed continues in office only so long as it can command a majority in the Legislature. If it ceases to command a majority it is bound to resign either in favour of another Government formed out of the existing Legislature or in favour of a new Government formed out of a newly elected Legislature.

As to the consequences that would follow if the British System was applied to India the situation can be summed up in the following proposition :

- (1) The British System of Government by a Cabinet of the majority party rests on the premise that the majority is a political majority. In India the majority is a communal majority. No matter what social and political programme it may have the majority will retain its character of being a communal majority. Nothing can alter this fact. Given this fact it is clear that if the British System was copied it would result in permanently vesting Executive power in a Communal majority.
- (2) The British System of Government imposes no obligation upon the Majority Party to include in its cabinet the representatives of Minority Party. If applied to India the consequence will be obvious. It would make the majority community a governing class and the minority community a subject race. It would mean that a communal majority will be free to run the administration according to its own ideas of what is good for the minorities. Such a state of affairs could not be called democracy. It will have to be called imperialism.

In the light of these consequences it is obvious that the introduction of British type of the Executive will be full of menace to the life, liberty and pursuit of happiness of the minorities in general and of the Untouchables in particular.

The problem of the Untouchables is a formidable one for the Untouchables to face. The Untouchables are surrounded by a vast mass of Hindu population which is hostile to them and which is not ashamed of committing any inequity or atrocity against them. For a redress of these wrongs which are matters of daily occurrence, the Untouchables have to call in the aid of the administration. What is the character and composition of this administration ? To be brief, the administration in India is completely in the hands of the Hindus. It is their monopoly. From top to bottom it is controlled by them. There is no Department which is not dominated by them. They dominate the Police, the Magistracy and the Revenue Services, indeed any and every branch of the administration. The next point to remember is that the Hindus in the administration have the same positive anti-social and inimical attitude to the Untouchables which the Hindus outside the administration have. Their one aim is to discriminate against the Untouchables and to deny and deprive them not only of the benefits of Law, but also of the protection of the Law against tyranny and oppression. The result is that the Untouchables are placed between the Hindu population and the Hindu-ridden administration, the one committing wrong against them and the other protecting the wrong-doer, instead of helping the victims.

Against this background, what can Swaraj mean to the Untouchables ? It can only mean one thing, namely, that while today it is only the administration that is in the hands of the Hindus, under Swaraj the Legislature and Executive will also be in the hands of the Hindus. It goes without, saying that such a Swaraj would aggravate the sufferings of the Untouchables. For, in addition to an hostile administration, there will be an indifferent Legislature and a callous Executive. The result will be that the administration unbridled in venom and in harshness, uncontrolled by the Legislature and the Executive, may pursue its policy of inequity towards the Untouchables without any curb. To put it differently, under Swaraj the Untouchables will have no way of escape from the destiny of degradation which Hindus and Hinduism have fixed for them.

These are special considerations against the introduction of the British System of Executive which have their origin in the interests of the minorities and the Scheduled Castes. But there is one general consideration which can be urged against the introduction of the British Cabinet System in India. The British Cabinet System has undoubtedly given the British people a very stable system of Government. Question is will it produce a stable Government in India ? The chances are very slender. In view of the clashes of castes and creeds there is bound to be a plethora of parties and groups in the Legislature in India. If this happens it is possible, nay certain, that under the system of Parliamentary Executive like the one that prevails in England under which the Executive is bound to resign upon an

adverse vote in the Legislature, India may suffer from instability of the Executive. For it is the easiest thing for groups to align and realign themselves at frequent intervals and for petty purposes and bring about the downfall of Government. The present solidarity of what are called the Major Parties cannot be expected to continue. Indeed as soon as the Problem of the British in India is solved the cement that holds these parties together will fall away. Constant overthrow of Government is nothing short of anarchy. The present Constitution has in it Section 93 which provides a remedy against it. But Section 93 would be out of place in the Constitution of a free India, Some substitute must therefore be found for Section 93.

Taking all these considerations together there is no doubt that the British type of the Executive is entirely unsuited to India.

The form of the Executive proposed in the clause is intended to serve the following purposes :

- (i) To prevent the majority from forming a Government without giving any opportunity to the minorities to have a say in the matter.
- (ii) To prevent the majority from having exclusive control over administration and thereby make the tyranny of the minority by the majority possible.
- (iii) To prevent the inclusion by the Majority Party in the Executive representatives of the minorities who have no confidence of the minorities.
- (iv) To provide a stable Executive necessary for good and efficient administration.

The clause takes the American form of Executive as a model and adapts it to Indian conditions especially to the requirements of minorities. The form of the Executive suggested in the proposal cannot be objected to on the ground that it is against the principle of responsible government. Indians who are used to the English form of Executive forget that this is not the only form of democratic and responsible Government. The American form of Executive is an equally good type of democratic and responsible form of Government. There is also nothing objectionable in the proposal that a person should not be qualified to become a Minister merely because he is elected to the Legislature. The principle that a member of the Legislature before he is made a Minister should be chosen by his constituents was fully recognized by the British Constitution for over hundred years. A member of Parliament who was appointed a Minister had to submit himself for election before taking up his appointment. It was only lately given up. There ought therefore to be no objection to it on the ground that the proposals are not compatible with responsible Governments. The actual proposal is an improved edition of the American form of Government, for the reason that under it members of the Executive can sit in the Legislature and have a right to speak and answer questions.

Clause 2

The proposal cannot be controversial. The best remedy against tyranny and oppression by a majority against the minority is inquiry, publicity and discussion. This is what the safeguard provides for. A similar proposal was also recommended by the Sapru Committee.

Clause 3

Social boycott is always held over the heads of the Untouchables by the Caste Hindus as a sword of Democles. Only the Untouchables know what a terrible weapon it is in the hands of the Hindus. Its effects and forms are well described in the Report made by a Committee appointed by the Government of Bombay in 1928 to investigate the grievances of the Depressed Classes and from which the following extracts are made. It illuminates the situation in a manner so simple that everybody can understand what tyranny the Hindus are able to practise upon the Untouchables. The Committee said:

“Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes. It must be noted that the Depressed Classes form a small minority in every village, oppose to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Depressed Classes at any cost. The danger of prosecution by the Police has put a limitation upon the use of violence by the orthodox classes and consequently such cases are rare.

The second difficulty arises from the economic position in which the Depressed Classes are found today. The Depressed Classes have no economic independence in most parts of the Presidency. Some cultivate the lands of the orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when the latter have dared to exercise their rights, and have evicted them from their land, and stopped their employment and discontinued their remuneration as village servants. This boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of sale of the necessities of life by the village Bania. According to the evidence,

sometimes small causes suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to use the common well, but cases have been by no mean rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with a bridegroom on the horse through the public street”.

This was said in 1928. Lest it should be regarded as a phase which has now ended I reproduce below a copy of a petition by the Untouchables of the village Kheri Jessore in the Punjab addressed to the Deputy Commissioner of the Rohtak District in February 1947 and a copy of which was sent to me. It reads as follows :

“From

The Scheduled Caste People (Chamars),

Village Kheri Jessore, Tehsil and District Rohtak.

To

The Deputy Commissioner,

Rohtak District, Rohtak.

Sir,

We, the following Scheduled Caste (Chamars) of the Village Kheri Jessore, beg to invite your kind attention to the hard plight, we are put to, due to the undue pressure and merciless treatment by the Caste Hindu Jats of this village.

It was about four months back that the Jats of the village assembled in the Chopal and told us to work in the fields on a wage in kind of one bundle of crops, containing only about one seer of grains per day per man instead of food at both times and a load of crops, and annas 8 in addition which we used to get before above announcement was made. As it was too little and insufficient to meet both ends, we refused to go to work. At this they were enraged and declared a Social Boycott on us. They made a rule that our cattle would not be allowed to graze in the jungle unless we would agree to pay a tax not leviable under Government for the animals, which they call as “Poochhi” They even do not allow our cattle to drink water in the village pool and have prevented the sweepers from cleaning the streets where we live so that heaps of dust and dirt are lying there which may cause some disease if left unattended to. We are forced to lead a shameful life and they are always ready to beat us and to tear down our honour by behaving indecently towards our wives, sisters and daughters. We are experiencing a lot of trouble of the worst type. While going to the

school, the children were even beaten severely and in a merciless manner.

We submitted an application detailing the above facts to yourself but we are sorry that no action has been taken as yet.

It is also for your kind consideration that the Inspector of Police and Tehsildar of Rohtak, whom we approached in this connection, made a careless investigation and in our opinion, no attention was paid to redress the difficulties of the poor and innocent persons.

We, therefore, request your good self to consider over the matter and make some arrangement to stop the merciless treatment and threats which the Jats give us in different ways. We have no other approach except to knock at your kind door and hope your honour will take immediate steps to enable us to lead an honourable and peaceful life which is humanity's birth-right.

We beg to remain,
Sir,
Your most obedient servants,
Scheduled Caste People
(Chamars),
of Village Kheri Jessore,
Tehsil and District Rohtak.
Thumb Impressions.

* * * * *

Copy forwarded to the Hon'ble Dr. B. R. Ambedkar,

Western Court, New Delhi.

Received on 1st February 1947."

This shows that what was true in 1928 is true even today. What is true of Bombay is true of the whole of India. For evidence of the general use of boycott by the Hindus against the Untouchables one has only to refer to the events that occurred all over India in the last elections to the Provincial Legislatures. Only when boycott is made criminal will the Untouchables be free from being the slaves of the Hindus.

The weapon of boycott is nowadays used against other communities besides the Scheduled Castes. It is therefore in the interests of all minor communities to have this protection.

The provisions relating to boycott are taken bodily from the Burma Anti-Boycott Act, 1922.

Clause 4

Such a provision already exists in Section 150 of the Government of India Act, 1935.

ARTICLE II—Section IV**PART I—CLAUSE I**

There is nothing new in this clause. The right to representation in the Legislature is conceded by the Poona Pact. The only points that require to be reconsidered relate to (1) Quantum of Representation, (2) Weightage and (3) The System of Electorates.

(1) Quantum

The quantum of representation allowed to the Scheduled Castes by the Poona Pact is set out in Clause I of the Pact. The proportion set out in the Pact was fixed out of the balance of seats which remained after (i) the share of the other communities had been taken out; (ii) after weightage to other communities had been allotted, and (iii) after seats had been allocated to special interests. This allotment of seats to the Scheduled Castes has resulted in great injustice. The loss due to seats taken out as weightage and seats given to special interests ought not to have been thrown upon the Scheduled Castes. The allotment of those seats had already been made by the Communal Award long before the Poona Pact. It was therefore not possible then to rectify this injustice.

(2) Weightage

There is another injustice from which the Scheduled Castes have been suffering. It relates to their right to a share in weightage.

As one can see the right to weightage has become a matter of double controversy. One controversy is between the majority and the minorities, the other is a matter of controversy between the different minorities.

The first controversy relates to the principle of weightage. The majority insists that the minority has no right to representation in excess of the ratio of its population to the total population. Why this rule is insisted upon by the majority it is difficult to understand. Is it because the majority wants to establish its own claim to population ratio so that it may always remain as a majority and act as a majority ? Or is it because of the fact that a minority no matter how much weightage was given to it must remain a minority and cannot alter the fact that the majority will always be able to impose its will upon it. The first ground leads to a complete negation of the basic conception of majority rule which if rightly understood means nothing more than a decision of the majority to which the minority has reconciled itself. This cannot be the intention of the majority. One must put a more charitable construction and assume that the argument on which the contention of the majority rests is the second and not the first. That a minority even with weightage will remain a minority has to be accepted in view of the insistence of a Communal Majority to remain a majority

and to claim the privileges of a political majority which it is not. But surely there is a difference between a defeat which is a complete rout and a defeat which is almost victory though not a victory. Cricketers know what difference there is between the defeat of a team by a few runs, a defeat by a few wickets and a defeat by one whole innings. The defeat by one whole innings is a complete frustration which a defeat by a few runs is not. Such a frustration when it comes about in the political life of a minority depresses and demoralizes and crushes the spirit of the minority. This must be avoided at any price. Looked at from this point of view there is no doubt that the rule of population—ratio—representation insisted upon by the majority is wrong. What a minority needs is not more representation but effective representation.

And what is effective representation? Obviously the effectiveness of representation depends upon its being large enough to give the minority the sense of not being entirely overwhelmed by the majority. Representation according to population to a minority or to the minorities combined may be effective by reason of the fact that the population of a minority where there is only one or of the combined minorities where there are many is large enough to secure effective minority representation. But there may be cases where the population of a minority or of the minorities combined is too small to secure such effective representation if the population ratio of a minority is taken as an inflexible standard to determine its quantum of representation. To insist upon such a standard is to make mockery of the protection to the minority which is the purpose behind the right to representation which is accepted as the legitimate claim of a minority. In such cases weightage which is another name for deduction from the quantum of representation which is due to the majority on the basis of its population becomes essential and the majority if it wishes to be fair and honest must concede it. There can therefore be no quarrel over the principle of weightage. On this footing the controversy becomes restricted to the question, how is the magnitude of weightage to be determined ? This obviously is a question of adjustment and not of principle.

There can therefore be no manner of objection to the principle of weightage. The demand for weightage is however a general demand of all the minorities and the Scheduled Castes must join them in it where the majority is too big. What is however wrong with the existing weightage is unequal distribution among the various minorities. At present, some minorities have secured a lion's share and some like the Untouchables have none. This wrong must be rectified by a distribution of the weightage on some intelligible principles.

(3) *Electorates*

1. The method of election to the seats allotted to the Scheduled Castes is set out in clauses (2) to (4) of the Poona Pact. It provides for two

elections : (1) Primary election and (2) Final election. The Primary election is by a separate electorate of the Scheduled Castes. It is only a qualifying election and determines who is entitled to stand in the Final election on behalf of the Scheduled Castes for the seats reserved to them. The Final election is by a joint electorate in which both caste Hindus and the Scheduled Castes can vote and the final result is determined by their joint vote.

2. Clause 5 of the Poona Pact has limited the system of Primary election to ten years which means that any election taking place after 1947 will be by a system of joint electorates and reserved seats pure and simple.

3. Even if the Hindus agreed to extend the system of double election for a further period it will not satisfy the Scheduled Castes. There are two objections to the retention of the Primary election. Firstly, it does not help the Scheduled Castes to elect a man who is their best choice. As will be seen from Appendix III, the Scheduled Caste candidate who tops the poll in the Primary election fails to succeed in the Final election and the Scheduled Caste candidate who fails in the Primary election tops the poll in the Final election. Secondly, the Primary election is for the most part a fiction and not a fact. In the last election, out of 151 seats reserved for the Scheduled Castes there were Primary elections only in 43. This is because it is impossible for the Scheduled Castes to bear the expenses of two elections—Primary and Final. To retain such a system is worse than useless.

4. Things will be much worse under the system of joint electorates and reserved seats which will hereafter become operative under the terms of the Poona Pact. This is no mere speculation. The last election has conclusively proved that the Scheduled Castes can be completely disfranchised in a joint electorate. As will be seen from the figures given in Appendix III, the Scheduled Caste candidates have not only been elected by Hindu votes when the intention was that they should be elected by Scheduled Caste votes but what is more the Hindus have elected those Scheduled Caste candidates who had failed in the Primary election. This is a complete disfranchisement of the Scheduled Castes. The main reason is to be found in the enormous disparity between the voting strength of the Scheduled Castes and the caste Hindus in most of the constituencies as may be seen from figures given in Appendix III. As the Simon Commission has observed, the device of the reserved seats ceases to be workable where the protected community constitutes an exceedingly small fraction of any manageable constituency. This is exactly the case of the Scheduled Castes. This disparity cannot be ignored. It will remain even under adult suffrage. That being the case, a fool-proof and a knave-proof method must be found to ensure real representation to the Scheduled Castes. Such a method must involve the abolition of—

- (i) the Primary election as a needless and heavy encumbrance; and

- (ii) the substitution of separate electorates.

5. One of the issues which has embittered the relations between the Hindus and the Scheduled Castes in the political field is the issue of electorate. The Scheduled Castes are insisting upon separate electorates. The Hindus are equally insistent on opposing the demand. To arrive at a settlement on this issue—without which there can be no peace and amity between the Hindus and the Scheduled Castes—it is necessary to determine who is right and who is wrong and whether the opposition is based on rational grounds or is based on mere prejudice.

6. The grounds which are generally urged against the demand of the Scheduled Castes for separate electorates are :

- (i) that the Scheduled Castes are not a minority;
- (ii) that the Scheduled Castes are Hindus and therefore they cannot have separate electorates;
- (iii) that separate electorates will perpetuate untouchability;
- (iv) that separate electorates are anti-national; and
- (v) that separate electorates enables British Imperialism to influence the communities having separate electorates to act against the interests of the country.

7. Are these arguments valid ?

- (i) To say that the Scheduled Castes are not a minority is to misunderstand the meaning of the word 'minority'. Separation in religion is not the only test of a minority. Nor is it a good and efficient test. Social discrimination constitutes the real test for determining whether a social group is or is not a minority. Even Mr. Gandhi thought it logical and practical to adopt this test in preference to that of religious separation. Following this test, Mr. Gandhi in an editorial under the heading. 'The Fiction of Majority' in the *Harijan* dated 21st October 1939 has given his opinion that the Scheduled Castes are the only real minority in India.
- (ii) To argue that the Scheduled Castes are Hindus and therefore cannot demand separate electorates is to put the same argument in a different form. To make religious affiliation the determining factor for constitutional safeguards is to overlook the fact that the religious affiliation may be accompanied by an intense degree of social separation and discrimination. The belief that separate electorates go with separation in religion arises from the fact that those minorities who have been given separate electorates happen to be religious minorities. This, however, is not correct. Muslims are given separate electorates not because they are different from Hindus in point of religion. They are given separate electorates because—and this is the fundamental fact—the social relations between the Hindus and the

Musalman are marked by social discrimination. To put the point in a somewhat different manner, the nature of the electorates is determined not by reference to religion but by reference to social considerations. That it is social considerations and not religious affiliation or disaffiliation which is accepted as the basis of determining the nature of the electorates is best illustrated by the arrangements made under the Government of India Act (1935) for the Christian community in India. The Christian community is divided into three sections—Europeans, Anglo-Indians and Indian Christians. In spite of the fact that they all belong to the same religion, each section has a separate electorate. This shows that what is decisive is not religious affiliation but social separation.

- (iii) To urge that separate electorates prevent solidarity between the Untouchables and the Caste Hindus is the result of confused thinking. Elections take place once in five years. Assuming there were joint electorates, it is difficult to understand how social solidarity between the Hindus and the Untouchables can be promoted by their devoting one day for voting together when out of the rest of the five years they are leading severally separate lives ? Similarly, assuming that there were separate electorates it is difficult to understand how one day devoted to separate voting in the course of five years can make for greater separation than what already exist ? Or contrarywise, how can one day in five years devoted to separate voting prevent those who wish to work for their union from carrying out their purposes. To make it concrete, how can separate electorate for the Untouchables prevent inter-marriage or inter-dining being introduced between them and the Hindus ? It is therefore futile to say that separate electorates for the Untouchables will perpetuate separation between them and the Hindus.
- (iv) To insist that separate electorates create anti-national spirit is contrary to experience. The Sikh have separate electorates. But no one can say that the Sikhs are anti-national. The Muslims have had separate electorates right from 1909. Mr. Jinnah had been elected by separate electorates. Yet, Mr. Jinnah was the apostle of Indian Nationalism up to 1935. The Indian Christians have separate electorates. Nonetheless a good lot of them have shown their partiality to the Congress if they have not been actually returned on the Congress ticket. Obviously, nationalism and anti-nationalism have nothing to do with the electoral system. They are the result of extra electoral forces.
- (v) This argument has no force. It is nothing but escapism. Be that as it may, with free India any objection to separate electorates on such a ground must vanish.

8. The reason why the arguments advanced by the opponents of separate electorates do not stand the scrutiny of logic and experience is due entirely to the fact that their approach to the subject is fundamentally wrong. It is wrong in two respects :

- (i) They fail to realize that the system of electorates has nothing to do with the religious nexus or communal nexus. It is nothing but a mechanism to enable a minority to return its true representative to the Legislature. Being a mechanism for the protection of a minority it follows that whether the electorate should be joint or separate must be left to be determined by the minority.
- (ii) They fail to make any distinction between the demand for separate electorates by a majority community and a similar demand made by a minority community. A majority community has no right to demand separate electorates. The reason is simple. A right by a majority community to demand separate electorates is tantamount to a right to establish the Government of the majority community over the minority community without the consent of the minority. This is contrary to the well-established doctrine of democracy that government must be with the consent of the governed. No such evil consequence follows from the opposite principle namely that a minority community is entitled to determine the nature of the electorates suited to its interests, because there is no possibility of the minority being placed in a position to govern the majority.

9. A correct attitude towards the whole question rests on the following axioms :

- (i) The system of electorates being a device for the protection of the minority, the issue whether the electoral system should be the joint electorate or separate electorate must be left to the wishes of the minority. If it is large enough to influence the majority it will choose joint electorates. If it is too small for the purpose, it will prefer separate electorates for fear of being submerged.
- (ii) The majority, being in a position to rule can have no voice in the determination of the system of electorates. If the minority wants joint electorates, the majority must submit itself to joint electorates. If the minority decides to have separate electorates for itself the majority cannot refuse to grant them. In other words, the majority must look to the decision of the minority and abide by it.

PART I—CLAUSE 2

This demand may appear to be outside the Poona Pact in as much as the Poona Pact made no provision for it. This would not be correct. As a matter of fact, if no provision was made, it was because there was no need to make such a provision. This was due to two reasons : *Firstly*, it

was due to the fact that at the time when the Poona Pact was made no community was guaranteed by Law a specific quantum of representation in Executive, *Secondly*, the representation of the communities in the Executive was left to a convention which the Governor by his instrument of instructions was required to see observed. Experience has shown that the quantum of representation of the Scheduled Castes in the Executive should now be fixed.

PART I—CLAUSE 3

This is not a new demand. Clause 8 of the Poona Pact guarantees to the Scheduled Castes fair representation in Public Services. It does not, however, define the quantum of representation. The demand has been admitted by the Government of India as legitimate and even the quantum of representation has been defined. All that remains is to give it a statutory basis.

PART II—CLAUSE 1

This is not a new demand. Clause 9 of Poona Pact guarantees that an adequate sum shall be earmarked for the education of the Scheduled Castes. It does not define the quantum. All that the demand does is to define the quantum of liability the State should take. In this connection reference may be made to Section 83 of the Government of India Act, 1935, which relates to the education of the Anglo-Indians and Europeans and to the grants made to the Aligarh and Benaras Hindu Universities by the Central Government.

PART II—CLAUSE 2

This a new demand but is justified by circumstances. At present, the Hindus live in the village and the Untouchables live in the Ghettoes. The object is to free the Untouchables from the thralldom of the Hindus. So long as the present arrangement continues it is impossible for the Untouchables either to free themselves from the yoke of the Hindus or to get rid of their Untouchability. It is the close knit association of the Untouchables with the Hindus living in the same villages which marks them out as Untouchables and which enables the Hindus to identify them as being Untouchables. India is admittedly a land of villages and so long as the village system provides an easy method of marking out and identifying the Untouchables, the Untouchable has no escape from Untouchability. It is the system of the Village plus the Ghetto which perpetuates Untouchability and the Untouchables therefore demand that the nexus should be broken and the Untouchables who are as a matter of fact socially separate should be made separate geographically and territorially also, and be settled into separate villages exclusively of Untouchables in which the distinction of the high and the low and of Touchable and Untouchable will find no place.

The second reason for demanding separate settlements arises out of the economic position of the Untouchables in the villages. That their condition is most pitiable no one will deny. They are a body of landless labourers

who are entirely dependent upon such employment as the Hindus may choose to give them and on such wages as the Hindus may find it profitable to pay. In the villages in which they live they cannot engage in any trade or occupation, for owing to Untouchability no Hindu will deal with them. It is therefore obvious that there is no way of earning a living which is open to the Untouchables so long as they live in a Ghetto as a dependent part of the Hindu village.

This economic dependence has also other consequences besides the condition of poverty and degradation which proceeds from it. The Hindu has a Code of life, which is part of his religion. This Code of life gives him many privileges and heaps upon the Untouchable many indignities which are incompatible with the dignity and sanctity of human life. The Untouchables all over India are fighting against the indignities and injustices which the Hindus in the name of their religion have heaped upon them. A perpetual war is going on every day in every village between the Hindus and the Untouchables. It does not see the light of the day. The Hindu Press is not prepared to give it publicity lest it should injure the cause of their freedom in the eyes of the world. The existence of a grim struggle between the Touchables and the Untouchables is however a fact. Under the village system the Untouchables have found himself greatly handicapped in his struggle for free and honourable life. It is a contest between the Hindus who are economically and socially strong and the Untouchables who are economically poor and numerically small. That the Hindus most often succeed in suppressing the Untouchables is due to many causes. The Hindus have the Police and the Magistracy on their side. In a quarrel between the Untouchables and the Hindus the Untouchables will never get protection from the Police and justice from the Magistrate. The Police and the Magistracy naturally love their class more than their duty. But the chief weapon in the armoury of the Hindus is economic power which they possess over the poor Untouchables living in the village. The proposal may be dubbed escapism. But the only alternative is perpetual slavery.

PART III—CLAUSE 1

No country which has the problem of Communal majority and Communal minority is without some kind of an arrangement whereby they agree to share political power. South Africa has such an understanding. So has Canada. The arrangement for sharing political power between the English and the French in Canada is carried to the minutes office. In referring to this fact Mr. Porritt in his book on the *Evolution of the Dominion of Canada* says :

“Conditions at Ottawa, partly due to race and language, and partly to long-prevailing ideas as to the distribution of all government patronage, have militated against the Westminster precedent of continuing a member in the chair for two or three parliaments, regardless of the fortunes of political parties at general elections. There is a new speaker at Ottawa

for each new House of Commons; and it has long been a custom that when one political party continues in power for two or three parliaments, if the speaker in one parliament is of British extraction the next one shall be a French-Canadian.

“It is a rule also that the offices of speaker and of deputy speaker can at no time be held by men of the same race. If the speaker is a French-Canadian, the deputy speaker, who is also Chairman of committees, must be an English-speaking Canadian ; for the rule of the House is that the member elected to serve as deputy speaker shall be required to possess the full and practical knowledge of the language which is not that of the speaker for the time being.

The clerkship and the assistant clerkship of the House, and the offices of sergeant-at-arms and deputy sergeant-at-arms—all appointive as distinct from elective offices—are, by usage, also similarly divided between the two races.

Nearly all the offices, important and unimportant, connected with parliament, with the Senate as well as with the House, are distributed in accordance with these rules or usages. A roll call of the staffs of the two Houses, including even the boys in knicker-bockers who act as pages, would contain the names of almost as many French-Canadians as Canadians of British ancestry.

The rules and usages by virtue of which this distribution of offices is made are older than Confederation. They date back to the early years of the United Provinces, when Quebec and Ontario elected exactly the same number of members to the Legislature, and when these were the only provinces in the union.

Quebec today elects only 65 of the 234 members of the House of Commons. Its population is not one-fourth of the population of the Dominion. Its contribution to Dominion revenues does not exceed one-sixth. But an equal division of the offices of the House of Commons is regarded by Quebec as necessary to the preservation of its rights and privileges ; and so long as each political party, when it is in power, is dependent on support from French-Canada, it will be nearly as difficult to ignore the claim of Quebec to these parliamentary honours and offices as it would be to repeal the clause in the British North America Act that safeguards the separate schools system.”.

Unfortunately for the minorities in India, Indian Nationalism has developed a new doctrine which may be called the Divine Right of the Majority to rule the minorities according to the wishes of the majority. Any claim for the sharing of power by the minority is called communalism while the monopolizing of the whole power by the majority is called Nationalism. Guided by such a political philosophy the majority is not prepared to

allow the minorities to share political power nor is it willing to respect any convention made in that behalf as is evident from their repudiation of the obligation (to include representatives of the minorities in the cabinet) contained in the Instrument of Instructions issued to the Governors in the Government of India Act of 1935. Under these circumstances there is no way left but to have the rights of the Scheduled Castes embodied in the Constitution.

PART III—CLAUSE 2

This is not a new demand. It replaces Clause 6 of the Poona Pact which provides that the system of representation for the Scheduled Castes by reserved seats shall continue until determined by mutual consent between the communities concerned in the settlement. Since there is no safe method of ascertaining the will of the Scheduled Castes as to how to amend and alter the safeguards provided for them it is necessary to formulate a plan which will take the place of Clause 6 of the Pact. Provisions having similar objectives to those contained in the proposal exist in the Constitution of Australia, America and South Africa.

In dealing with a matter of this sort two considerations have to be borne in mind. One is that it is not desirable to rule out the possibility of a change in the safeguards being made in the future by the parties concerned. On the other hand it is by no means desirable to incessant struggle over their revision. If the new Union and State Legislatures are to address themselves successfully to their responsibilities set out in the preamble it is desirable that they should not be distracted by the acute contentions between religions and classes which questions of change in the safeguards are bound to raise. Hence a period of twenty-five years has been laid down before any change could be considered.

PART IV

The object of this provision is to see that whatever safeguards are provided for the Scheduled Castes in British India are also provided for the Scheduled Castes in the Indian States. The provision lays down that an Indian State seeking admission to the Union shall have to satisfy that its Constitution contains these safeguards.

PART V—INTERPRETATION

Whether the Scheduled Castes are a minority or not has become a matter of controversy. The purpose of First Provision is to set this controversy at rest. The Scheduled Castes are in a worst position as compared to any other minority in India. As such they require and deserve much more protection than any other minority does. The least one can do is to treat them as a minority.

The purpose of Second Provision is to remove the provincial bar. There is no reason why a person who belongs to Scheduled Castes in one Province should lose the benefit of political privileges given by the Constitution merely because he happens to change his domicile.

Appendix II**TEXT OF THE POONA PACT**

(1) There shall be seats reserved for the Depressed Classes out of the general electorates seats in the Provincial Legislatures as follows :

Madras	..	..	..	30
Bombay with Sind	..	..	..	15
Punjab	..	..	..	8
Bihar and Orissa	..	..	..	18
Central Provinces	..	..	..	20
Assam	..	..	..	7
Bengal	..	..	..	30
United Provinces	..	..	..	20
			Total	148

These figures are based on total strength of the Provincial councils announced in the Prime Minister's decision.

(2) Election to these seats shall be by joint electorates, subject however, to the following procedure :

All the members of the Depressed Classes registered in the general electoral roll in a constituency will form an electoral college, which will elect a panel of four candidates belonging to the Depressed Classes for each of such reserved seats, by the method of the single vote ; the four getting the highest number of votes in such Primary election, shall be candidates for election by the general electorate.

(3) Representation of the Depressed Classes in the Central Legislature shall likewise be on the principle of joint electorates and reserved seats by the method of Primary election in the manner provided for in clause (2) above, for their representation in the Provincial Legislatures.

(4) In the Central Legislature, eighteen per cent of seats allotted to the general electorate for British India in the said Legislature shall be reserved for the Depressed Classes.

(5) The system of Primary election to a pannel of Candidates for election to the Central and Provincial Legislature, as hereinbefore mentioned, shall come to an end after the first ten years, unless terminated sooner by mutual agreement under the provision of clause (6) below.

(6) The system of representation of the Depressed Classes by reserved seats in the Provincial and Central Legislatures as provided for in clauses (1) and (4) shall continue until determined by mutual agreement between the communities concerned in the settlement.

(7) Franchise for the Central and Provincial Legislatures, for the Depressed Classes shall be as indicated in the Lothian Committee Report.

(8) There shall be no disabilities attaching to anyone on the ground of his being a member of the Depressed Class in regard to any elections to local bodies or appointment to the Public Services. Every endeavour shall be made to secure fair representation of the Depressed Classes in these respects, subject to such educational qualifications as may be laid down for appointment to the Public Service.

(9) In every Province out of the educational grant an adequate sum shall be earmarked for providing educational facilities to the Members of the Depressed Classes.

Appendix III**DISADVANTAGES OF THE POONA PACT**

1. The Poona Pact was intended to devise a method whereby the Scheduled Castes would be able to return to the Legislature representatives of their choice. This intention has been completely nullified as will be seen from the following series of statistics. The series have been constructed from the results of the last elections which took place in February 1946.

2. The statistical data is arranged in four series of tables :

First series show the votes secured by the successful Caste Hindu candidate and the successful Scheduled Caste candidate in the Final election.

Second series show in how many cases did reliance on reservation clause become necessary for the success of the Scheduled Caste candidate in the Final election and in how many he succeeded without the benefit of reservation.

Third series show the relative voting strength of the Caste Hindus and the Scheduled Castes in constituencies in which seats are reserved for the Scheduled Castes.

Fourth series show the position in the Primary election of the Scheduled Caste Candidates who became successful in the Final elections.

3. The conclusions that follow from these figures will not escape those who care to examine them. The figures prove the following propositions :

- (i) That every of the Scheduled Caste candidate who became successful in the Final election owed his success to the votes of the caste Hindus and not of the Scheduled Castes. A great many of them came to the top of the poll and secured votes equal to and in some cases larger than those obtained by Caste Hindu candidates (*See Tables in the First Series*). Secondly, in very few constituencies was the successful Scheduled Caste candidate required to rely on reservation (*See Tables in the Second Series*). This is a most unexpected phenomenon. Anyone who compares the voting strength of the Scheduled Castes with the voting strength of the Caste Hindus in the different constituencies (*See Tables in the Third Series*) would realize that the voting strength of the Scheduled Castes is so small that such a phenomenon could never have occurred if only the Scheduled Castes voters had voted for the Scheduled Caste candidates. That they have occurred is proof positive that the success of the Scheduled Caste candidate in the Final election is conditioned by the Caste Hindu votes.
- (ii) That comparing the results of the Primary election with those of the Final election (*See Tables in the Fourth series*) the Scheduled Caste candidate who was elected in the Final election was one

who had failed in the Primary election (if the Primary election be treated as a Final election and the constituency be treated as a single-member constituency).

- (iii) Owing to the extreme disparity between the voting strength of the Hindus and the Scheduled Castes—disparity which will not disappear even under adult suffrage—a system of joint electorates will not succeed in giving the Scheduled Castes the chance of returning their true representatives.
- (iv) The Poona Pact has completely disfranchised the Scheduled Castes inasmuch as candidates whom they rejected in the Primary elections—which is a true index of their will—have been returned in the Final election by the votes of the Caste Hindus.

The Poona Pact is thus fraught with mischief. It was accepted because of the coercive fast of Mr. Gandhi and because of the assurance given at the time that the Hindus will not interfere in the election of the Scheduled Castes.

FIRST SERIES

Votes obtained by the successful Scheduled Caste candidates as compared with the votes secured by the successful Caste Hindu candidates.

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First Series**I. MADRAS**

Name of the Constituency			Seats	Votes polled by successful Hindu candidates	Votes polled by successful Scheduled Caste candidates
1			2	3	4
1.	Coconada	.. ..	2	32,607	28,544
2.	Ellore	.. ..	2	37,618	38,195
3.	Bandar	.. ..	2	69,319	70,931
4.	Ongole	.. ..	2	50,906	49,992
5.	Penukonda	.. ..	2	17,406	18,125
6.	Kurnool	.. ..	2	32,756	32,294
7.	Chingleput	.. ..	2	13,865	15,129
8.	Thiruvallur	.. ..	2	17,225	17,818
9.	Ranipet	.. ..	2	21,249	21,059
10.	Tiruvannamalai	.. ..	2	31,476	32,132
11.	Tindivanam	.. ..	2	25,626	25,442
12.	Chidambaram	.. ..	2	15,272	14,874
13.	Tanjore	.. ..	2	26,904	16,133
14.	Mannargudi	.. ..	2	29,932	30,116
15.	Ariyalur	.. ..	2	22,656	20,520
16.	Sattur	.. ..	2	30,988	29,530
17.	Malapuram	.. ..	2	28,229	28,085
18.	Namakkal	.. ..	2	15,433	15,085

II. BENGAL

Name of the Constituency			Seats	Votes polled by successful Hindu candidates	Votes polled by successful Scheduled Caste candidates
1			2	3	4 5
1.	Burdwan Central	.. ..	2	42,858	33,903
2.	Burdwan, North-West	.. ..	2	32,270	25,723
3.	Birbhum	.. ..	2	24,629	20,252
4.	Bankura, West	.. ..	2	30,388	21,266
5.	Thurgram-cum-Ghatal	.. ..	2	40,900	19,060
6.	Hooghly, North-East	.. ..	2	26,132	18,768
7.	Howrah	.. ..	2	40,608	36,099
8.	24 Parganas, South-East	.. ..	2	50,345	38,459
9.	24 Parganas, North-West	.. ..	2	45,339	48,272
10.	Nadia	.. ..	2	30,489	28,054
11.	Murshidabad	.. ..	2	32,386	26,958
12.	Jessore	.. ..	2	38,665	41,434

II. BENGAL

Name of the Constituency		Seats	Votes polled by successful Hindu candidates	Votes polled by successful Scheduled Caste candidates	
1		2	3	4	5
13.	Khulna	 3	79,218	57,724	44,043
14.	Malda	 2	32,728	12,796	
15.	Dinajpur	 3	46,146	35,127	30,839
16.	Jalpaiguri-cum-Siliguri	 3	30,950	26,109	13,829
17.	Rangpur	 3	46,869	29,657	23,237
18.	Bogra-cum-Pabna	 2	43,249	31,515	
19.	Dacca, East	 2	51,808	31,392	
20.	Mymensingh, West	 2	37,983	32,782	
21.	Mymensingh, East	 2	43,678	32,207	
22.	Faridpur	 2	70,115	51,450	29,503
23.	Bakargunj	 2	48,560	28,560	
24.	Tippera	 2	60,146	59,051	

III. BOMBAY

Name of the Constituency		Seats	Votes secured by successful Hindu candidates			Votes secured by successful Scheduled Caste candidates
1		2	3	4	5	6
1. Bombay City (Suburban)		3	57,182	47,835	.. . .	59,646
2. Bombay City (Byculla)	..	3	42,143	41,795	.. . .	43,251
3. Kaira District	.. ..	4	68,044	63,422	57,394	69,807
4. Surat District	.. ..	4	40,232	39,985	39,610	39,849
5. Thana, South	.. ..	3	30,581	27,587	.. . .	11,630
6. Ahmednagar, South	.. ..	3	25,747	20,948	.. . .	20,908
7. East Khandesh, East	.. ..	4	38,721	34,349	33,960	36,136
8. Nasik, West	.. ..	4	37,218	36,794	36,555	42,604
9. Poona, West	.. ..	3	23,758	23,454	.. . .	24,709
10. Satara, North	.. ..	4	44,315	42,727	41,474	43,961
11. Sholapur, North-East	.. ..	3	19,380	16,705	.. . .	18,264
12. Belgaum, North	.. ..	4	55,787	50,759	49,867	27,682
13. Bijapur, North	.. ..	3	23,083	20,838	.. . .	16,059
14. Kolaba District	.. ..	4	41,012	38,864	35,633	17,676
15. Ratnagiri, North	.. ..	4	13,640	10,985	10,372	11,734

IV. UNITED PROVINCES

Name of the Constituency	Seats	Votes polled by successful Hindu candidates	Votes polled by successful Scheduled Caste candidates
1	2	3	4
1. Lucknow City	.. 2	24,614	14,110
2. Cawnpore City	.. 2	34,550	34,782
3. Agra City	.. 2	17,446	16,343
4. Allahabad City	.. 2	19,870	10,308
5. Badaun District	.. 2	6,716	14,037
6. Jalaun District	.. 2	21,692	15,363
7. Basti District	.. 2	14,450	15,447
8. Almora District	.. 2	36,371	20,605
9. Rai Bareilli	.. 2	15,917	1,889
10. Sitapur District	.. 2	28,665	20,204
11. Gonda District	.. 2	17,949	13,447

V. CENTRAL PROVINCES

Name of the Constituency	Seats	Votes polled by successful Hindu candidates	Votes polled by successful Scheduled Caste candidates
1	2	3	4
1. Nagpur City	.. 2	21,905	23,595
2. Nagpur-Umred	.. 2	8,330	7,847
3. Hinganghat-Wardha	.. 2	11,677	10,781
4. Chanda-Brahmapuri	.. 2	10,208	8,144
5. Chindwara-Sansad	.. 2	16,365	6,190
6. Saugor-Khurai	.. 2	7,829	5,162
7. Raipur	.. 2	8,183	6,112
8. Baloda Bazar	.. 2	21,861	9,659
9. Bilaspur	.. 2	13,109	6,030
10. Mungeli	.. 2	9,600	6,418
11. Tanjgir	.. 2	11,914	7,419
12. Drug	.. 2	5,975	5,593
13. Bhandara-Sakoli	.. 2	16,824	10,491
14. Yeotmal-Daresha	.. 2	10,915	4,719
15. Ellichpur	.. 2	16,298	4,592
16. Chikhli-Mehkar	.. 2	16,397	2,748
17. Akola-Balapur	.. 2	6,455	5,567

VI. ASSAM

Name of the Constituency	Seat	Votes polled by successful Hindu candidates		Votes polled by successful Scheduled Caste candidates
1	2	3	4	5
1. Kamrup-Saor, South	.. 3	15,890	14,971	13,693
2. Nowgong	.. 1	....	....	14,560
3. Jorhat, North	.. 2	17,429	....	5,809
4. Habibganj	.. 2	10,985	....	9,770
5. Karimganj	.. 2	12,562	....	11,676
6. Silchar	.. 3	17,340	....	7,081

VII. ORISSA

Name of the Constituency	Seats	Votes obtained by successful Hindu candidates		Votes obtained by successful Scheduled Caste candidates
1	2	3	4	
1. East Tajpur	.. 2		8,427	8,712
2. East Bargarh	.. 2		4,195	937

Second Series

NUMBER OR CONSTITUENCIES IN WHICH RESERVATION BECAME NECESSARY FOR THE
SCHEDULED CASTE CANDIDATES TO SUCCEED IN ELECTION

Province	Number of Constituencies in which seats are reserved for the Scheduled Castes	Number of Constituencies in which there was a conflict	Number of Constituencies in which the contest was due to excess of Hindu candidates	Number of Constituencies in which the contest was due to excess of Scheduled Caste candidates	Number of Constituencies in which the contest was due to excess of both	Number of Constituencies in which reliance on reservation became necessary for the Scheduled Caste candidates to succeed
1	2	3	6	5	6	7
1. Madras	..	30	18	14	17	None
2. Bengal	..	30	24	19	24	None
3. Bombay	..	15	15	15	15	2
4. C.P.	..	22	17	14	17	2
5. U.P.	..	15	11	5	11	None
6. Assam	..					2
7. Orissa	..		2	....	2	None
8. Punjab	..	8	....	....	....	....

Third Series

RELATIVE VOTING STRENGTH OF CASTE HINDUS AND
SCHEDULED CASTES

I. MADRAS

Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
1	2	3	4
1. Madras City, South-Central	26,922	4,082	1 : 6.6
2. Chicacole ..	90,496	8,070	1 : 11.2
3. Amalapuram ..	95,954	28,282	1 : 3.4
4. Cocanada ..	86,932	17,616	1 : 4.9
5. Ellore ..	88,249	16,835	1 : 5.24
6. Ongole ..	1,10,152	11,233	1 : 9.8
7. Gudur ..	52,415	10,263	1 : 5.1
8. Cuddapah ..	92,572	10,842	1 : 8.5
9. Penukonda ..	74,952	11,896	1 : 6.3
10. Bellary ..	85,928	10,146	1 : 8.5
11. Kurnool ..	72,753	11,679	1 : 6.2
12. Tirutanni ..	77,337	15,243	1 : 5.07
13. Chingleput ..	73,554	22,182	1 : 3.3
14. Tiruvallur ..	81,814	21,287	1 : 3.8
15. Ranipet ..	24,403	11,271	1 : 2.1
16. Tiruvannamalai ..	97,259	15,536	1 : 6.2
17. Tindivanam ..	85,514	19,221	1 : 4.4
18. Chidambaram ..	96,086	16,762	1 : 5.7
19. Tirukoyilur ..	1,02,482	21,733	1 : 4.7
20. Tanjore ..	99,496	13,198	1 : 7.5
21. Manaargudi ..	69,579	11,547	1 : 5.8
22. Ariyalur ..	1,13,630	16,772	1 : 6.7
23. Palani ..	92,655	13,521	1 : 6.8
24. Sattur ..	84,169	8,033	1 : 10.5
25. Koilpatti ..	1,00,521	20,907	1 : 4.8
26. Pollachi ..	63,821	12,808	1 : 4.9
27. Namakkal ..	51,860	11,407	1 : 4.5
28. Coondapur ..	46,032	8,030	1 : 5.7
29. Malapuram ..	70,346	10,808	1 : 6.5

II. BOMBAY

Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
1	2	3	4
<i>General Urban</i>			
1. B o m b a y C i t y .. North and Bombay Suburban District	1,67,002	34,266	1 : 4.8
2. Bombay City— Byculla and Parel .. General Rural	1,52,991	28,520	1 : 5.3
3. Kaira District ..	1,39,508	7,318	1 : 19.06
4. Surat District ..	85,670	4,765	1 : 18.8
5. Thana, South ..	67,749	4,668	1 : 14.5
6. Ahmednagar, South	73,162	7,382	1 : 9.9
7. East Khandesh, East	91,377	10,109	1 : 9.35
8. Nasik, West ..	99,274	12,698	1 : 7.7
9. Poona, West ..	73,551	13,055	1 : 5.6
10. Satara, North ..	95,459	11,152	1 : 8.5
11. Sholapur, North-East ..	64,583	9,713	1 : 6.6
12. Belgaum, North ..	79,422	18,303	1 : 4.3
13. Bijapur, North ..	60,655	8,993	1 : 6.7
14. Kolaba District ..	1,03,828	5,001	1 : 20.7
15. Ratnagiri, North	32,606	3,529	1 : 9.2

III. BENGAL

Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
1	2	3	4
<i>General Rural</i>			
1. Burdwan, Central	74,306	24,610	1 : 3.01
2. Burdwan, North-West ..	80,035	16,830	1 : 4.8
3. Birbhum ..	1,03,231	37,637	1 : 2.7
4. Bankura, West ..	84,128	25,487	1 : 3.3
5. Midnapore, Central	99,961	20,167	1 : 4.95
6. Jhargam-cum-Ghatal	64,031	13,091	1 : 4.85
7. Hooghly, North-East.	67,697	20,318	1 : 3.33
8. Howrah ..	1,03,346	22,990	1 : 4.5
9. 24 Parganas, South- West.	82,366	47,378	1 : 1.7

III. BENGAL—*contd.*

Constituency		Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
1		2	3	4
10. 24 Parganas, North-East		85,477	30,607	1 : 2.78
11. Nadia	..	90,092	25,605	1 : 3.5
12. Murshidabad	..	81,083	17,176	1 : 4.8
13. Jessore	..	1,21,760	55,052	1 : 2.2
14. Khulna	..	1,45,335	76,848	1 : 1.87
15. Malda	..	73,664	29,010	1 : 2.54
16. Dinajpur	..	1,48,804	1,18,454	1 : 1.25
17. Jalpaiguri-cum-Siliguri		78,552	65,679	1 : 1.2
18. Rangpur	..	29,437	65,679	1 : 0.44
19. Bogra-cum-Patna	..	87,704	33,873	1 : 2.58
20. Dacca, East	..	94,858	40,238	1 : 2.35
21. Myroensingh, West		98,795	38,046	1 : 2.59
22. Mymensingh, East		68,360	29,588	1 : 2.3
23. Faridpur	..	1,72,683	96,319	1 : 1.7
24. Bakarganj, South-West.		78,796	49,014	1 : 1.6
25. Tippera	..	1,27,097	34,813	1 : 3.61

IV. UNITED PROVINCES

Constituency		Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
1		2	3	4
General Urban				
1. Lucknow City	..	89,412	9,079	1 : 9.8
2. Cawnpore City	..	1,31,599	22,515	1 : 5.8
3. Agra City	..	47,505	10,105	1 : 4.7
4. Allahabad City	..	55,379	6,854	1 : 8.07
General Rural				
5. Charanpur District, South-East.		47,773	7,256	1 : 6.5
6. Bulandshah District, South-East.		49,699	7,506	1 : 6.6
7. Agra District, North-East.		61,515	8,290	1 : 7.4
8. Manipuri District North-East.		51,406	5,878	1 : 8.7

IV. UNITED PROVINCES—*Contd.*

Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
1	2	3	4
9. Budaun District, East	46,966	7,087	1 : 6.6
10. Jalaun District	68,815	14,611	1 : 4.7
11. Mirzapur District, North.	43,648	4,045	1 : 10.7
12. Gorakhpur District, North.	43,441	5,626	1 : 7.7
13. Basti District, South	37,084	4,194	1 : 8.8
14. Azamgarh District, West.	51,194	8,127	1 : 6.2
15. Almora District	1,39,217	20,671	1 : 6.7
16. Rai Bareilli District, North-East.	48,697	10,488	1 : 4.6
17. Sitapur District, North- East.	76,682	22,913	1 : 3.3
18. Fyzabad District, East.	57,154	9,988	1 : 5.7
19. Gonda District, North- East.	64,225	8,274	1 : 7.7
20. Bara Banki District, North.	68,285	16,303	1 : 4.18

V. CENTRAL PROVINCES

Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
1	2	3	4
<i>General Urban</i>			
1. Nagpur City ..	72,329	14,388	1 : 5.02
<i>General Rural</i>			
2. Nagpur-Umrer ..	29,267	6,037	1 : 4.8
3. Hinghanghat-Wardha	35,201	4,011	1 : 9.02
4. Chanda-Brahmapuri	30,132	5,229	1 : 5.7
5. Chindwara-Sausar	37,942	3,914	1 : 9.7
6. Jubulpure-Patan ..	20,587	1,186	1 : 17.5
7. Saugor-Khurai ..	30,660	5,224	1 : 5.8
8. Damoh-Hatta ..	33,284	3,608	1 : 9.2
9. Narsinghpur- Gadarwara.	35,781	2,019	1 : 17.6
10. Raipur ..	33,053	11,041	1 : 2.9

V. CENTRAL PROVINCES—*contd.*

Constituency		Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
1		2	3	4
11. Baloda Bazar	..	46,943	15,636	1 : 3.06
12. Bilaspur	. .	33,260	10,547	1 : 3.1
13. Mungeli	. .	28,028	10,067	1 : 2.7
14. Janjgir	. .	42,763	13,558	1 : 3.15
15. Drug	. .	34,883	8,942	1 : 3.19
16. Bhandara-Sakoli	. .	47,047	10,399	1 : 4.5
17. Ellichpur-Dartapur- Nelghat		30,094	2,885	1 : 13.8
18. Akola-Belapur	. .	25,912	3,233	1 : 9.81
19. Yeotmal-Darwha	. .	20,327	2,020	1 : 10.06
20. Chikhli-Mehkar	. .	37,936	3,468	1 : 1.09

VI. BIHAR

Constituency		Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
1		2	3	4
1. East Bihar	..	35,631	4,618	1 : 7.7
2. South Gaya	..	49,363	10,360	1 : 4.7
3. Nawada	..	41,432	7,684	1 : 5.3
4. East Central Shahabad.	..	41,707	5,984	1 : 6.9
5. West Gopalganj	..	33,395	3,415	1 : 9.7
6. North Bettiah	..	25,760	2,831	1 : 9.09
7. East Muzaffarpur-Sadr.		27,271	3,133	1 : 8.7
8. Darbhanga Sadr	..	26,864	2,116	1 : 12.6
9. South-East Samastipur		37,291	2,672	1 : 13.9
10. South Sadr-Monghyr		54,229	6,465	1 : 8.5
11. Madhipura	..	26,523	1,284	1 : 20.6
12. South-West Purnea		44,232	2,938	1 : 15.05
13. Giridih-cum-Ghatra		55,246	4,667	1 : 11.8
14. North-East Palamnu		23,072	4,237	1 : 5.3
15. Central Manbhum		39,626	5,617	1 : 7.05

VII. ASSAM

Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
1	2	3	4
1. Nowgong, North-East	26,618	3,569	1 : 7.2
2. Kamrup Sadr, South	33,234	2,117	1 : 15.6
3. Silchar ..	38,647	4,201	1 : 9.2
4. Karimganj, East ..	25,701	10,132	1 : 2.5
5. Jorhat, North ..	26,733	1,360	1 : 19.6
6. Jonamganj ..	39,045	11,603	1 : 3.3
7. Habibganj, North	31,511	9,996	1 : 3.1

VIII. PUNJAB

Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
1	2	3	4
1. South-East Gurgaon	37,815	6,049	1 : 6.2
2. Karnal, North	31,967	5,120	1 : 6.2
3. Ambala and Simla	47,403	17,507	1 : 3.27
4. Hoshiarpur, West	51,084	7,281	1 : 7.0
5. Jullundur	36,570	20,521	1 : 1.8
6. Ludhiana and Ferozepur	52,009	27,354	1 : 1.8
7. Amritsar and Sialkot	38,046	10,328	1 : 3.68
8. Lyallpur and Jhang	32,703	7,602	1 : 4.2

Fourth Series

COMPARISON OF PRIMARY ELECTION AND FINAL ELECTION

I. MADRAS

Constituency	Scheduled Caste candidate who was successful in Final election		His rank among candidates who fought the general election		His position in the Primary election treating the Constituency as a single member Constituency	Votes obtained in the Primary election	What his success in Primary election due to bare or absolute majority or split vote
	His name	His party affiliation	Number of votes secured				
1		3	4	5	6	7	8
1. Amalapuram	.. Pandu Lakshmana-swami.	Congress	48,524	1st among 3	3rd (failed)	2,683	...
2. Cocanada	.. B. S. Murthy	Congress	28,544	2nd among 4 (beating 2 Hindus)	4th (failed)	1,411	...
3. Bandar	.. Vemula Kurmayya	Congress	70,931	1st among 6 (beating 4 Hindus)	2nd (failed)	4,914	...
4. Cuddapah	.. Swarna Nagayya	Congress	...	...	1st	3,482	Absolute majority.
5. Penukonda	.. D. Kadrippa	Congress	18,125	1st among 4 (beating 1 Hindu and 2 Sch. Caste)	1st	2,564	Bare majority.
6. Tiruvannamali	R. Thangavelu	Congress	32,132	1st among 5 (beating 2 Hindus and 2 Sch. Caste)	1st	1,960	Bare majority.
7. Tindivanam	.. K. Kulashekhardas	Congress	25,442	2nd among 4 (beating 2 Hindus)	1st	2,785	Split vote.
8. Mannargudi	Thiagoo Voikarar	Congress	30,116	1st among 5 (beating 5 Hindus)	1st	2,895	Split vote.
9. Pollachi	.. C. Krishna Kudumban	Congress	...	...	1st	2,430	Absolute majority.
10. Namakkal	.. M. P. Periyaswami	Congress	15,085	2nd among 5 (beating 2 Hindus and 1 Sch. Caste)	1st	2,355	Bare majority.

II. BOMBAY

Constituency	Scheduled Caste candidate who was successful in Final election		His rank among candidates who fought the general election		His position in the Primary election treating the Constituency as a single member	Votes obtained in the Primary election	Was his success in Primary election due to bare or absolute majority or split vote
	His name	His party affiliation	Number of votes secured				
1	2	3	4	5	6	7	8
1. Bombay City, North.	Savlaram Gundaji Songaoker.	Congress	59,646	1st among 3 (standing above 2 Hindus)	2nd (failed)	2,038	...
2. Bombay City, Byculla and Parel.	N. S. Kajrolkar	Congress	43,251	1st among 3 (standing above 2 general candidates)	2nd (failed)	2,098	...
3. East Khandesh, East.	Hiralal Kalyani	Congress	36,136	2nd among 4 (beating 2)	2nd (failed)	1,147	...

III. CENTRAL PROVINCES

Constituency	Scheduled Caste candidate who was successful in Final election		His rank among candidates who fought the general election		His position in the Primary election treating the Constituency as a single member	Votes obtained in the Primary election	Was his success in Primary election due to bare or absolute majority or split vote
	His name	His party affiliation	Number of votes secured				
1	2	3	4	5	6	7	8
1. Nagpur-Umrer	Lendra chandra.	Ram - Congress	7,847	2nd	3rd (failed)	112	...
2. Hinghanghat - Wardha.	Shanker Vithal	Congress	10,781	2nd	4th (failed)	56	...
3. Bhandra-Sakoli	Harnuji Isram	Congress	10,491	2nd	3rd (failed)	471	...
4. Yeotmal-Darwha	Daulat-Luxman	Congress	4,719	2nd	3rd (failed)	126	...

IV. UNITED PROVINCES

Constituency	Scheduled Caste candidate who was successful in Final election		His rank among candidates who fought the general election		His position in the Primary election treating the Constituency as a single member Constituency	Votes obtained in the Primary election	Was his success in Primary election due to bare or absolute majority or split vote
	His name	His party affiliation	Number of votes secured				
1	2	3	4	5	6	7	8
1. Agra City	.. Ram Chand	Congress	16,343	2nd	1st	836	Bare majority and split vote.
2. Allahabad City	Masuria Din	Congress	10,308	2nd	1st	1,701	Bare majority and split vote.
3. Almora	.. Khushi Ram	Congress	20,605	2nd	2nd (failed)	937	....

V. PUNJAB

Constituency	Scheduled Caste candidate who was successful in Final election		His rank among candidates who fought the general election		His position in the Primary election treating the Constituency as a single member Constituency	Votes obtained in the Primary election	Was his success in Primary election due to bare or absolute majority or split vote
	His name	His party affiliation	Number of votes secured				
1	2	3	4	5	6	7	8
1. South-East Gurgaon.	Prem Singh	Unionist	7,706	2nd	1st	1,353	Split vote
2. Karnal, North	Sunder	Congress	3,136	2nd	1st	519	Bare majority
3. Ambala-Simla	.. Prithivi Singh Azad	Congress	10,503	2nd	3rd (failed)	1,392	....
4. Hoshiarpur, West	Mehr Chand	Congress	16,307	2nd	3rd (failed)	641	....
5. Jullundur	.. Gurbanta Singh	Congress	21,476	1st	1st	....	....
6. Ludhiana-Ferozepur.	Matu Ram	Congress	24,352	1st	4th (failed)	812	....
7. Lyallpur and Jhang	Harbhaj Ram	....	8,312	2nd	2nd (failed)	1,166	....

Appendix IV**STATISTICS OF POPULATION**

The population of the Scheduled Caste in 1941 is estimated at 48,793,180. Can this figure be accepted as accurate ?

In coming to a definite conclusion on this issue the following points must be borne in mind : —

- (i) The population of the Scheduled Castes in 1941 as compared with their population in 1931 shows a decline.
- (ii) The population of all other communities during the same period shows an increase of 15 per cent.

The question is whether there is any special reason why the population of the Scheduled Castes should have declined.

Was the basis for computation of the population of the Scheduled Castes in 1931 the same as in 1941 ? The answer is in the affirmative. The figures given for 1931 are the result of recasting of the Census of 1931 in the light of the definition of “Untouchables” given by the Lothian Committee. The same basis was adopted in 1941. It cannot therefore be said that the decline in the population of the Scheduled Castes in 1941 was due to an over-estimate made in 1931.

It is true that the Census for 1941 does not give any figures for the Scheduled Castes for Ajmer-Merwara and Gwalior State. But even adding to the total for 1941 the figures for these two areas as they stood in 1931 the population comes to only 49,538,145 which still shows a comparative decline.

The want of any proper explanation for the decline of the Scheduled Caste population and an increase in the population of all other communities during the same decade only reinforces the impression which every honest student of Indian census has formed namely that the Census of India has over a number of decades ceased to be an operation in demography. It has become a political affair. Every community seems to be attempting to artificially augment its numbers at the cost of some other community for the sake of capturing greater and greater degree of political power in its own hands. The Scheduled Castes seem to have been made a common victim for the satisfaction of the combined greed of the other communities who through their propagandists or enumerators are able to control the operation and the results of the Census.

In the light of these circumstances it is fair to demand that an accurate figure for the population of the Scheduled Castes would be the Census figure as corrected by the inclusion of the population for Ajmer-Merwara and Gwalior State *plus* an increase of 15 per cent to give them the benefit of the general rise in the population.

Appendix IV
POPULATION FIGURES
Table 1
POPULATION OF DIFFERENT COMMUNITIES ACCORDING TO THE CENSUS OF 1941

	Hindus	Scheduled Castes	Muslims	Sikhs	Indian Christians	Anglo- Indians	Parsis
	1	2	3	4	5	6	7
Provinces	..	150,890,146	39,920,807	4,165,097	3,245,706	1,13,936	1,01,968
Ajmer-Merwara	..	376,481	?	867	3,895	1,005	..
Assam*	..	3,586,932	676,291	3,464	37,750	634	2
Baluchistan	..	39,521	5,102	11,918	2,633	263	75
Bengal	..	17,680,054	7,378,970	33,005,434	110,923	31,619	86,270
Bihar	..	22,173,890	4,340,379	4,716,314	24,693	5,963	547
Orissa	..	5,594,535	1,238,171	146,301	26,584	789	13
Bombay	..	14,700,242	1,855,148	1,920,368	338,812	14,034	43,467
Sind	..	1,038,292	191,634	3,208,325	13,232	2,731	1,936
Central Provinces and Berar	..	9,880,583	3,051,413	783,697	48,260	4,538	2,014
Coorg	..	105,013	25,740	14,730	3,309	80	12
Delhi	..	444,532	122,693	304,971	10,494	3,408	284
Madras	..	34,731,330	8,068,492	8,896,452	2,001,032	28,661	369
N.W.F.P.	..	180,321	?	2,788,797	57,939	837	24
Punjab	..	6,301,737	1,248,635	16,217,242	3,757,401	486,038	5,891
United States	..	34,094,511	11,717,158	8,416,308	232,445	13,383	1,375
States and Agencies	..	55,227,180	8,892,373	12,659,593	2,794,959	26,468	12,922
INDIA	..	206,117,326	48,813,180	92,058,096	5,691,447	140,422	114,490

* Tribes 6,484,996.

TRIBES			
Provinces	..	16,713,256	
States and Agencies	..	8,728,233	
INDIA	..	25,441,489	

Table II
VARIATION IN POPULATION BY COMMUNITIES, 1931-1941

	Provinces	States and agencies	Total India	Provinces	States and agencies	Total India	Total India percentage	Increase (+) Decrease (-)
	1	2	3	4	5	6	7	
Hindus	..	139,319,979	50,335,391	189,654,370	150,890,146	55,227,180	206,117,326	+ 26,462,956
Scheduled Castes	..	38,409,009	11,131,761	49,540,770	39,920,807	8,892,373	48,793,180	- 747,590
Muslims	..	67,020,443	10,657,102	77,677,545	79,398,503	12,659,598	92,058,096	+ 14,381,551
Sikhs	..	3,220,997	1,114,774	4,335,771	4,165,097	1,526,350	5,691,447	+ 1,355,676
Christians	..	3,860,660	2,430,103	6,296,763	3,471,430	2,834,119	6,316,119	+ 19,786
Parsis	..	96,549	13,203	109,752	101,968	12,922	114,890	+ 5,138

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Mr. GANDHI
AND THE
EMANCIPATION
OF THE
UNTOUCHABLES

By

The Hon'ble Dr. B. R. AMBEDKAR
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Member, Governor-General's Executive Council.

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PREFACE

In response to the invitation of the Chairman of the Indian section of the Institute of Pacific Relations, I wrote in August last year a Paper on the Problem of the Untouchables of India for the Session of the Conference which was due to be held on December 1942 at Mont' Trambulant in Quebec in Canada. The Paper is printed in the proceedings of the Conference. Ever since it became known that I had written such a Paper, the leaders of the Untouchables and Americans interested in their problem have been pressing me to issue it separately in the form of a book and make it available to the general public. It was not possible to refuse the demand. At the same time I could not without breach of etiquette publish the paper until the proceedings of the Conference were made public. I am now told by the Secretary of the Pacific Relations Conference that the proceedings have been made public and there can be no objection to the publication of my Paper if I desired it. This will explain why the Paper is published nearly 10 months after it was written.

Except for a few verbal alterations the Paper is printed as it was presented to the Conference. The Paper will speak for itself. There is only one thing I would like to add. It is generally agreed among the thoughtful part of humanity that there are three problems which the Peace Conference is expected to tackle. They are (1) Imperialism, (2) Racialism, (3) Anti-semitism and (4) Free Traffic in that merchandise of death popularly called munitions. There is no doubt these are the plague glands in which nation's cruelty to nation and man's inhumanity to man have their origin. There is no doubt that these problems must be tackled if a new and a better world is to emerge from the ashes of this terrible and devastating war. What my fear is that the problem of the Untouchables may be forgotten as it has been so far. That would indeed be a calamity. For the ills which the Untouchables are sufferings if they are not as much advertised as those of the Jews, are not less real. Nor are the means and the methods of suppression

used by the Hindus against the Untouchables less effective because they are less bloody than the ways which the Nazis have adopted against the Jews. The Anti-semitism of the Nazis against the Jews is in no way different in ideology and in effect from the Sanatanism of the Hindus against the Untouchables.

The world owes a duty to the Untouchables as it does to all suppressed people to break their shackles and to set them free. I accepted the invitation to write this Paper because I felt that it was the best opportunity to draw the attention of the world to this problem in comparison to which the problem of the Slaves, the Negroes and the Jews is nothing. I hope the publication of this Paper will serve as a notice to the Peace Conference that this problem will be on the Board of Causes which it will have to hear and decide and also to the Hindus that they will have to answer for it before the bar of the world.

22, Prithviraj Road
New Delhi
1st September 1943.

B. R. AMBEDKAR

CHAPTER I

TOTAL POPULATION OF THE UNTOUCHABLES

THE Decennial Census in India was at one time a very simple and innocent operation which interested only the Malthusians. None else took interest in it. Today the Census is a matter of a first rate concern to everybody. Not only the professional politician but the general public in India regards it as a matter of very grave concern. This is so because Politics in India has become a matter of numbers. It is numbers which give political advantage, to one community over another which does not happen anywhere else in the world. The result is that the Census in India is deliberately cooked for securing political advantages which numbers give. In this cooking of the Census the Hindus, the Muslims and the Sikhs have played their part as the chief chefs of the kitchen. The Untouchables and the Christians, who are also interested in their numbers, have no hand in the cooking of the Census, for the simple reason that they have no place in the administrative services of the country which deal with the operations of the Census. On the other hand the Untouchables are the people who are quartered, cooked and served by the Hindus, Muslims and the Sikhs at every Decennial Census. This has happened particularly in the last Census of 1940. The Untouchables of certain parts of the Punjab were subjected to systematic tyranny and oppression by the Sikhs. The object was to compel them to declare in the Census returns that they are Sikhs even though they are not. This reduced the number of the Untouchables and swelled the number of the Sikhs. The Hindus on their part carried on a campaign that nobody should declare his or her caste in the Census return. A particular appeal was made to me Untouchables. It was suggested to them that it is the name of the Caste that proclaims to the world that they are Untouchables and if they did not declare their caste name but merely said that they were Hindus, they would be treated just like

other Hindus and nobody would know that they were really Untouchables. The Untouchables fell a victim to this stratagem and decided not to declare themselves as Untouchables in the Census return but to call themselves merely as Hindus. The result was obvious. It reduced the number of Untouchables, and swelled the ranks of the Hindus. To what extent the cooking of the Census has taken place it is difficult to say. But there can be no doubt that the degree to which cooking was resorted to was considerable. The Census has been cooked all over. But it is the Untouchables who have suffered most from the cooking of the Census. That being so, the Census figure regarding the total population of the Untouchables in British India cannot be accepted as giving a correct total. But one cannot be far wrong if it was said that the present number of the Untouchables in British India is round about 60 million people.

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CHAPTER II

THE IMPORTANCE OF THE UNTOUCHABLES

MOST parts of the world have had their type of what Ward calls the lowly. The Romans had their slaves, the Spartans their helots, the British their villeins, the Americans their Negroes and the Germans their Jews. So the Hindus have their Untouchables. But none of these can be said to have been called upon to face a fate which is worse than the fate which pursues the Untouchables. Slavery, serfdom, villeinage have all vanished. But Untouchability still exists and bids fair to last as long as Hinduism will last. The Untouchable is worse off than a Jew. The sufferings of the Jew are of his own creation. Not so are the sufferings of the Untouchables. They are the result of a cold calculating Hinduism which is not less sure in its effect in producing misery than brute force is. The Jew is despised but is not denied opportunities to grow. The Untouchable is not merely despised but is denied all opportunities to rise. Yet nobody seems to take any notice of the Untouchables—some 60 millions of souls—much less espouse their cause.

If there is any cause of freedom in this Indian turmoil for independence it is the cause of the Untouchables. The cause of the Hindus and the cause of the Mussalmans is not the cause of freedom. Theirs is a Struggle for power as distinguished from freedom. Consequently it has always been a matter of surprise to me that no party and no organisation devoted to the cause of freedom has so far interested itself in the Untouchables. There is the American Weekly called "The Nation". There is the British Weekly called "Statesman". Both are powerful. Both are friends of India's freedom. I would mention the American Labour and British Labour among organized bodies among the supporters of India's freedom. So far as I know none of these have ever championed the cause of the Untouchables. Indeed what they have done is what no lover of freedom would do. They have just identified themselves with the Hindu body calling itself the Indian National Congress.

Now everybody in India, outside the Hindus, knows that whatever may be its title it is beyond question that the Congress is a body of middle class Hindus supported by the Hindu Capitalists whose object is not to make Indians free but to be independent of British control and to occupy places of power now occupied by the British. If the kind of Freedom which the Congress wants was achieved there is no doubt that the Hindus would do to the Untouchables exactly what they have been doing in the past. In the light of this apathy the Indian branch of the Institute of International Affairs may well be congratulated for having invited a paper for submission to the Institute of Pacific Relations, discussing the position of the Untouchables in India in the New Constitution. I must confess that this invitation for a statement on the position of the Untouchables under the new constitution came to me as an agreeable surprise and a great relief and it is because of this, that notwithstanding the many things with which I am preoccupied, I agreed to find time to prepare this paper.

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CHAPTER III

THE POLITICAL DEMANDS OF THE UNTOUCHABLES

THE problem of the Untouchables is an enormous problem. As a matter of fact I have been for some time engaged on a work dealing with this problem which will run into several hundred pages. All that I can do within the limits of this paper is to set out in a brief compass what the nature of the problem is and the solution which the Untouchables have themselves propounded. It seems to me that I cannot do better than begin by drawing attention to the following Resolutions which were passed at the All-India Scheduled Castes* Conference held in the city of Nagpur on the 18th and 19th July 1942 :-

Resolution No. II

CONSENT ESSENTIAL TO CONSTITUTION

“This Conference declares that no constitution will be acceptable to the Scheduled Castes unless,

- (i) it has the consent of the Scheduled Castes,
- (ii) it recognises the fact that the Scheduled Castes are distinct and separate from the Hindus and constitute an important element in the national life of India, and
- (iii) contains within itself provisions which will give to the Scheduled Castes a real sense of security under the new constitution and which are set out in the following resolutions.”

*Under the Government of India Act of 1935 the Untouchables are designated as ‘Scheduled Castes’.

*Resolution No. III**ESSENTIAL PROVISIONS IN THE
NEW CONSTITUTION*

“For creating this sense of security in the Scheduled Castes; this Conference demands that the following provisions shall be made in the new Constitution :-

- (1) That in the budget of every provincial Government an annual sum as may be determined upon by agreement be set apart for promoting the primary education among the children of the Scheduled Castes and another annual sum for promoting advanced education among them, and such sums shall be declared to be the first charge on the revenues of the Province.
- (2) That provision shall be made by law for securing representation to the Scheduled Castes in all Executive Governments-Central and Provincial-the proportion of which shall be determined in accordance with their number, their needs and their importance.
- (3) That provision shall be made by law for securing representation to the Scheduled Castes in the Public Services the proportion of which shall be fixed in accordance with their number, their needs and their importance. This Conference further insists that in the case of security services such as Judiciary, Police and Revenue, provision shall be made that the proportion fixed for the Scheduled Castes shall, subject to the rule of minimum qualification, be realized within a period of ten years.
- (4) That provision shall be made by law for guaranteeing to the Scheduled Castes representation in all Legislatures and Local bodies in accordance with their number, needs and importance.
- (5) That provision shall be made by law whereby there presentation of the Scheduled Castes in all Legislatures and Local Bodies shall be by the method of Separate Electorates.
- (6) That provision shall be made by law for the representation of the Scheduled Castes on all Public Service Commissions, Central and Provincial.”

*Resolution No. IV.**SEPARATE SETTLEMENTS*

“It is the considered opinion of this conference,

- (a) that so long as the Scheduled Castes continue to live on the outskirts of the Hindu village, with no source of livelihood and in small number as compared to Hindus, they will continue to remain Untouchables and subject to the tyranny and oppression of the Hindus and will not be able to enjoy free and full life.
- (b) That for the better protection of the Scheduled Castes from the tyranny and oppression of the Caste Hindus, which may take a worse form under Swaraj which cannot but be a Hindu Raj, and
- (c) to enable the Scheduled Castes to develop to their fullest manhood, to give them economical and social security as also to pave the way for the removal of untouchability.”

This Conference has after long and mature deliberation come to the conclusion that a radical change must be made in the village system now prevalent in India and which is the parent of all the ills from which the Scheduled Castes are suffering for so many centuries at the hands of the Hindus. Realising the necessity of these changes this conference holds that along with the Constitutional changes in the system of Government there must be a change in the village system now prevalent, made along the following lines :

- (1) The constitution should provide for the transfer of the Scheduled Castes from their present habitation and form separate Scheduled Caste villages away from and independent of Hindu village.
- (2) For the settlement of the Scheduled Castes in new villages a provision shall be made by the constitution for the establishment of a Settlement Commission.
- (3) All Government land which is cultivable and which is not occupied shall be handed over to the Commission to be held in trust for the purpose of making new settlements of the Scheduled Castes.

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- (4) The Commission shall be empowered to purchase new land under the Land Acquisition Act from private owners to complete the scheme of settlement of Scheduled Castes.
- (5) The constitution shall provide that the Central Government shall grant to the Settlement Commission a minimum sum of Rupees five crores per annum to enable the Commission to carry out their duty in this behalf.

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CHAPTER IV

HINDU OPPOSITION

THE demands set forth in those resolutions fall into three categories (1) Political, (2) Educational and (3) Economic and Social.

Taking the political demands first it is obvious that they ask for three safeguards :—

- (1) That the Legislature shall not be merely representative of the people but it shall be representative separately of both categories Hindus as well as Untouchables.
- (2) That the Executive shall not be merely responsible to the Legislature, which means to the Hindus, but shall also be responsible both to the Hindus as well as to the Untouchables.
- (3) That the administration shall not be merely efficient but shall also be worthy of trust by all sections of the people and also of the Untouchables and shall contain sufficient number of representatives of the Untouchables holding key positions so that the Untouchables may have confidence , in it.

These Political demands of the Untouchables have been the subject matter of great controversy between the Untouchables and the Hindus. Mr. Gandhi, the friend of the Untouchables, preferred to fast unto death rather than consent to them and although he yielded he is not reconciled to the justice underlying these demands. It will be well if I set out at this stage what the Hindu or the Congress Scheme of representative Government is. It is as follows :—

- (1) The Legislature to be elected by Constituencies which are to be purely territorial.
- (2) The Executive to be drawn solely from the Majority party in the Legislature.
- (3) The Administration to be run by a public service based entirely upon considerations of efficiency.

The Hindus of the Congress describe their own pet scheme as a National Scheme and call the scheme put forth by the Untouchables as the Communal Scheme. As I will show, there is no substance in this distinction. It is a case of damning what you do not like by the easy method of giving it a bad and a repelling name. Such tactics can't give strength to a case which is inherently weak. To expose its weakness let me examine the merits of the so-called National Scheme. Before proceeding it might be desirable to note the points of agreement and the points of difference between the two. Both have the same object, inasmuch as both stand for a representative Legislature. The point of difference lies in the method of devising a scheme which will make the Legislature a truly representative Legislature. The so-called national scheme insists upon the territorial constituency as being both proper and sufficient for producing a representative Legislature in India. What is called the Communal Scheme denies that a territorial constitution can produce a truly representative legislature in India in view of the peculiar social structure of the Indian Society as it exists today. The issue can a purely territorial constituency produce a really representative legislature in India? It is round this issue that the controversy has centered.

The so-called National Scheme of the Hindus generally appeals to the Westerner and he prefers it to the so-called Communal Scheme. This is largely because the Westerner knows and is accustomed only to the system of territorial constituency. But there can be no doubt that this so-called National Scheme is on merits quite unsound and on motives worse than communal.

That it is unsound will be quite obvious to any one who will stop to examine the assumptions which are involved in the alleged efficacy and sufficiency of the territorial constituency. What are these assumptions? To mention only those which are most important,

- (1) It assumes that the majority of voters in a constituency represents the will of the constituency as a whole.
- (2) That it is enough to take stock of the general will of the constituency as expressed by the majority and that the will of any particular section however much it may be in conflict with the will of the majority may be ignored without remorse and without being guilty of any inequity.

- (3) That the representative who is elected by the voters will represent the wishes and interests of the voters and that there is not the danger of the representative allowing the interest of his class to dominate and override the interests and wishes of the voter who elects him.

Every one of these assumptions is a false assumption unjustified by any theory and unsupported by experience. The history of Parliamentary Government furnishes abundant proof in support of this assertion and even the history of England tells the same tale. It is wrong to suppose that the majority in all circumstances can be trusted to represent the will of all sections of people in the constituency. As a matter of fact it can never do so to any satisfactory degree. If at all, it can only give a very pale reflection of the general will and even that capacity for pale reflection must depend upon how numerous and varied are the interests which are consciously shared by the different sections of the constituency and how full and free is the interplay between them. It is obvious that where, as in India, there are no interest which are shared, where there is no full and free interplay and where there are no common cycles of participation for the different sections, one section large or small cannot represent the will of the other. The will of the majority is the will of the majority and nothing more, and no amount of logical ingenuity can alter the fact and to give effect to it is to allow full play to the tyranny of the Majority.

Again it is wrong to suppose that the representative elected to the Legislature will represent the wishes of the voters who elect him and forget or subordinate the interests of the class to which he belongs. The case of the representative is a case of divided loyalties. He is confronted with two-rather with three- conflicting duties (1) a duty to himself, (2) a duty to the class to which he belongs, and (3) a duty to the voters who have elected him. Omitting the first from our consideration it is common experience that the representative prefers the interests of his class to that of his voters. And why should any one expect him to act otherwise? It is in the nature of things that a man's self should be nearer to him than his constituency. There is a homely saying that man's skin sits closer to him than his shirt. To the members of the Legislature it is true more often than not that his class is his skin

and the constituency is a shirt which it is unnecessary to say is one degree removed than the skin.

The Hindu therefore in relying upon the territorial constituency is seeking to base the political structure of India upon foundations which all political architects have declared to be unsound. The territorial constituency has long since been regarded even in European countries as a discredited piece of political mechanism. In great many European countries the representative system based on territorial constituency has been wound up and repalced by other systems of Government largely because the territorial system of representation produced neither good Government nor efficient Government. In other countries where representative institutions have survived there is an acute discontent with the result produced by the system of territorial constituencies. The proposals for occupational and functional representation, the proposals for referendum and recall all furnish proof, if proof is really wanted, that there is a great body of enlightened and intelligent opinion which is definitely against the system of territorial constituency.

In these circumstances the question as to why the Hindu insists upon a political mechanism which is discredited everywhere excites a certain amount of curiosity. The reason he gives is that it is the only mechanism which is consistent with nationalism. I am not convinced that this is the real explanation. The real explanation to my mind is very different. The Hindu prefers the territorial constituency because he knows that it will enable him to collect and concentrate all political power in the hands of the Hindus, and who can deny that his calculation is incorrect? In a purely territorial constituency the contest, the Hindu knows, will be between a huge majority of Hindu voters and a small minority of Untouchable voters. Given this fact the Hindu majority - if it is a purely territorial constituency - is bound to win in all constituencies. But the Hindus besides relying upon their majority can also rely upon other factors which cannot but work to strengthen that majority. Those factors have their origin in the peculiar nature of the Hindu Society. The Hindu Social system which places communities one above the other is a factor which is bound to have its effect on the result of voting. By the Hindu Social system the Communities are placed in an ascending scale of reverence and a decending scale of contempt. It needs no prophet

to predict what effect these social attitudes will have on voting. No Caste Hindu will cast a vote in favour of an Untouchable candidate, for to him he is too contemptible a person to go to the Legislature. On the other hand there will be found many voters among the Untouchables who would willingly cast their votes for a Hindu candidate in preference to an Untouchable candidate. That is because he is taught to revere the former more than himself or his Untouchable kinsmen. I am not mentioning the other means which are often resorted to for catching votes of the poor, illiterate, unconscious, unorganised body of voters which the Untouchables are. A combination of all these circumstances is bound to work in the direction of augmenting the representation of the Hindus. Under a system of purely territorial constituencies it is quite certain the Hindus will have assured to them a majority. They can draw for their majority upon themselves as well as upon the Untouchables. It is equally certain that the Untouchables will lose all seats. They must; firstly because they are a minority, and secondly because the Hindus can successfully exploit the weaknesses of the Untouchables which makes them offer their votes to the Hindus as one offers burnt meat to his gods.

Understood in the light of these forces which are sure to make the territorial constituency profitable to the Hindus by enabling them to loot the political power which the Untouchable would become possessed of if the Communal Scheme came into operation, there can be no doubt that the National Scheme is from the result side, if not from the motive side, worse than the Communal Scheme.

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CHAPTER V

JOINT V/S SEPARATE ELECTORATES

THE Hindus have after a long struggle accepted the view that a purely territorial constituency will not do in a country like India. In a sense the previous discussion regarding the controversy between territorial constituency and communal constituency as two rival methods of bringing about a truly representative legislature was unnecessary. But I stated the case for and against because I felt that the foreigners who are not aware of Indian Political conditions ought to know the basic conceptions underlying that controversy. Unfortunately, however, the fact is that although the Hindus have accepted the basic argument in favour of communal scheme of representation they have not accepted all what the Untouchables are demanding. The Untouchables demand that their representation shall be by separate electorates. A separate electorate means an electorate composed exclusively of Untouchable voters who are to elect an Untouchable as their representative to the legislature. The Hindus agree that certain number of seats are to be reserved for Untouchables to be filled only by Untouchables. But they insist that the Untouchables who is to be the representative of the Untouchables in the Legislature should be elected by a mixed electorate consisting both of the Hindus as well as of the Untouchables and not by an electorate exclusively of the Untouchables. In other words there is still a controversy over the question of joint versus separate electorates. Here again I want to set out the pros and cons of this controversy. The objection to separate electorate raised by the Hindus is that separate electorate means the fragmentation of the nation. The reply is obvious. First of all, there is no nation of Indians in the real sense of the word. The nation does not exist, it is to be created, and I think it will be admitted that the suppression of a distinct and a separate community is not the method of creating a nation. Secondly, it is conceded – as the Hindus have done – that Untouchables should be represented in that Legislature by Untouchable then it cannot be

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denied that the Untouchable must be a true representative of the Untouchable voters. If this is a correct position then separate electorate is the only mechanism by which real representation can be guaranteed to the Untouchables. The Hindu argument against separate electorate is insubstantial and unsupportable. The premises on which the political demands of the Untouchables are based are admitted by the Hindus. Separate electorate is only a consequence which logically follows from those premises. How can you admit the premise and deny the conclusion? Special electorates are devised as a means of protecting the minorities. Why not permit a minority like the Untouchables to determine what kind of electorate is necessary for its protection? If the Untouchables decide to have separate electorates why should their choice not prevail? These are questions to which the Hindus can give no answer. The reason is that the real objection to separate electorates by the Hindus is different from this ostensible objection raised in the name of a nation. The real objection is that separate electorate does not permit the Hindus to capture the seats reserved for the Untouchables. On the other hand the joint electorate does. Let me illustrate the point by a few examples of how joint and separate electorate would work in the constituency. Take the following constituencies from the Madras Presidency.

Name of the Constituency	Total number of seats for Hindus	Seat reserved for the Untouchables.	Total No. of Hindu voters.	Total No. of Untouchable voters.	Ratio of Hindu voters to Untouchable voters.
1. Madras City South	2	1	40,626	2,577	16 to 1
2. Chicacole	2	1	83,456	5,125	16 to 1
3. Vijayana-gram	2	1	47, 594	996	49 to 1
4. Amalapu-ram	1	1	52,805	7,760	7 to 1
5. Ellore	1	1	51,795	5,155	9 to 1
6. Bandar	1	1	84,191	8,723	10 to 1
7. Tenali	2	1	1,32,107	5,732	24 to 1

The figures of the voting strength given in the above table for the seven constituencies taken at random in the Madras Presidency are illuminating. A scrutiny of the above figures is sufficient to show any disinterested person that if there is a separate electorate for the Untouchables in these seven constituencies they would be in a position to elect a man in whom they had complete confidence and who would be independent to fight the battle of the Untouchables on the floor of the Legislature against the representatives of the Hindus. If, on the other hand, there is a joint electorate in these constituencies the representative of the Untouchables would be only a nominal representative and not a real representative, for no Untouchable who did not agree to be a nominee of the Hindus and a tool in their hands could be elected in a joint electorate in which the Untouchable voter was out numbered in ratio of 1 to 24 or in some cases 1 to 49. The joint electorate is from the point of the Hindus to use a familiar phrase a "rotten borough" in which the Hindus get the right to nominate an Untouchable to set nominally as a representative of the Untouchables but really as a tool of the Hindus. It will be noticed that the Hindu in opposing the so-called Communal Scheme of the Untouchables with his so-called National Scheme is not fighting for a principle nor is he fighting for the nation. He is simply fighting for his own interests. He is fighting to have in his hands the undivided control over political power. His first line of defence is not to allow any shares to be drawn up so that like the Manager of the Hindu joint family he can use the whole for his benefit. That is why he fought for purely territorial constituencies. Failing that he takes his second line of defence. He wants that if he is made to concede power he must not lose control over it. This is secured by joint electorates and frustrated by separate electorates. That is why the Hindu objects to separate electorates and insists on joint electorates.

The end of the so-called National Scheme may not be communal but the result undoubtedly is.

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CHAPTER VI

THE EXECUTIVE

THE second political demand of the Untouchables is that they must not only be represented in the Legislature but they must also be represented in the executive. This demand is also opposed by the Hindus. The argument of the Hindus takes two forms. One is that the executive must represent the majority of the Legislature and secondly the men in the Executive must be competent to hold places in the executive. I propose to deal with the second argument first.

It is an argument which is fundamentally sound. But it is equally necessary to realize that in a representative Government this argument cannot be carried too far. For as Professor Dicey has argued, "It has never been a primary object of constitutional arrangement to get together the best possible parliament in intellectual capacity. Indeed, it would be inconsistent with the idea of representative Government to attempt to form a parliament far superior in intelligence to the mass of the nation."

The stress upon competency is needless. Nobody has said that ignorant people should be made Ministers simply because they are Untouchables. Given the right to representation in the cabinet the Untouchables, there is no doubt, will elect the most competent people amongst them—there are a number of them in every province—to fill those places. Again why apply this limiting condition to the Untouchables only? Like the Untouchables the Muslims are also claiming the right to be represented in the cabinet. Why have the Hindus not insisted upon such a limiting condition against the Muslims' claim? This shows that the objection of the Hindus is not based on reason. It is an excuse.

Coming to the second argument the Hindus are simply misusing the words majority and minority. They seem to forget that majority and minority are political categories. As political categories there is no fixed majority or a fixed minority. Political majorities and political minorities are fluid bodies and what is a majority today

may become a minority tomorrow, and what is a minority today may become a majority tomorrow. The difference between the Hindus and the Untouchables cannot be said to be a difference of this sort. There is no endosmosis between the Untouchables and Hindus as there is between the Majority and Minority. There is another characteristic of a majority and minority relationship which would make them inapplicable to the relationship which subsists between the Hindus and the Untouchables. The majority and minority are divided by a difference only—difference in the point of views. They are not separated by a fundamental and deadly antagonism as the Hindus are from the Untouchables. There is a third characteristic of Majority and Minority relationship which is not to be found in the relationship that subsists between the Hindus and the Untouchables. A minority grows into a minority and a majority in becoming a majority absorbs so much of the sentiment of the minority that the minority is satisfied with the result and does not feel the urge of fighting out the issue with the majority. Now all these considerations are quite foreign to the relationship between the Hindu Majority and the Untouchable minority. They are fixed as permanent communities. They are not merely different but they are antagonistic. To speak of them as majority and minority would be as true and as useful as would be to speak of the Germans being a majority and the French being a minority.

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CHAPTER VII

PUBLIC SERVICES

THE Untouchables demand that a certain proportion of posts in the public services of the country shall be reserved for them, subject to the rule of minimum qualification. The Hindus object to this demand as they do to the other demands of the Untouchables. The stand they take is that the interests of the State require that capacity, efficiency and character should be the only consideration and that caste and creed should have no place in making appointment to public offices. There is no dispute regarding character as a necessary qualification. Nor is there any dispute regarding capacity and efficiency. The only point of dispute, and it is a very important point, is whether caste and creed should form a consideration which must be taken into account in the recruitment for public services. Relying upon the educational qualification as the only test of efficiency, the Hindus insist that public offices should be filled on the basis of competitive examinations open to persons of all Castes and Creeds. They argue that such a system serves both purposes. It serves the purpose of efficiency. Secondly it does not prohibit the entry of the Untouchables in the Public Services of the country.

The Hindus seek to give to their opposition to the demand of the Untouchable an appearance of fairness by relying upon efficiency and competitive examination. Here again the argument is quite beside the point. The question is not whether the competitive system of Examination is or is not the proper method of getting efficient persons in public services. The question is whether the competitive system simply because it is open to all castes and creeds will enable the Untouchables to get a footing in the Public Service. That depends upon the educational system of the State. Is it sufficiently democratic? Are the facilities for education sufficiently widespread and sufficiently used to permit persons from all classes to come forth to compete? Otherwise, even with the system of open competition large classes are sure to be left out in the cold. This basic condition is conspicuous by its absence in India. Higher education in India is the monopoly of Hindus and

particularly of high Caste Hindus. By reason of Untouchability the Untouchables are denied the opportunity for Education. By reason of their poverty higher education necessary for higher posts in the public service—and higher posts in the public service are the only things that matter because they have a strategic value—is not within their reach. The State will not take the financial responsibility of giving them higher education—they are demanding it by their resolution—and the Hindus will not extend the benefit of their charities to the Untouchables—Hindu Charity being shamefully communal—so that to ask the Untouchables to rely upon the results of competitive examination for entry into the public services is to practise a fraud upon them. The position taken up by the Untouchables is in no sense unreasonable. They admit the necessity for maintaining efficiency. That is why in their resolution they themselves say that their demand shall be subject to the rule of minimum qualification. In other words what the Untouchables demand is that a minimum qualification should be prescribed for every post in the public service and if two persons apply for such a post and the Untouchables has the minimum qualification he should be preferred to a Hindu even though the Hindu may have a qualification higher than the minimum qualification. It, of course, does mean that the basis for appointment should be minimum qualification and not the highest qualification. This may sound queer to those who do not mind if their test of efficiency gives certain communities a monopoly of public service. But did not Campbell-Bannerman say that self-government was better than good government? What else are the Untouchables demanding? They are prepared to recognize the need of having an efficient Government. That is why they are ready to accept the requirement of minimum qualifications for entry in the public services of the country. What the untouchables are not prepared to do is to forego self-government for good government. Good Government based on highest qualification will be a communal government, for the Hindus alone can claim qualifications higher than minimum qualifications. This is what they do not want. What they say is that minimum qualifications are enough for efficient government and since it makes self-government possible, minimum qualification should be the rule for entry in Public Service. It ensures self-government as well as efficient government.

CHAPTER VIII

SEPARATE SETTLEMENTS

RESOLUTION No. IV Referred to in the foregoing part of this paper is to my mind quite self-explanatory and not much detailed comment is necessary to explain its purport. Nor is it possible in the compass of this short paper to deal with it in more than general terms. The demand for separate settlements is the result of what might be called "The New Life Movement" among the Untouchables. The object of the movement is to free the Untouchables from the thralldom of the Hindus. So long as the present arrangement continues it is impossible for the Untouchables either to free themselves from the yoke of the Hindus or to get rid of their Untouchability. It is the close-knit association of the Untouchables with the Hindus living in the same villages which marks them out as Untouchables and which enables the Hindus to identify them as being Untouchables. India is admittedly a land of villages and so long as the village system provides an easy method of marking out and identifying the Untouchable, the Untouchable has no escape from Untouchability. It is the village system which perpetuates Untouchability and the Untouchables therefore demand that it should be broken and the Untouchables who are as a matter of fact socially separate should be made separate geographically and territorially also, and be grouped into separate villages exclusively of Untouchables in which the distinction of the high and the low and of Touchable and Untouchable will find no place.

The second reason for demanding separate settlements arises out of the economic position of the Untouchables in the village. That their condition is most pitiable no one will deny. They are a body of landless labourers who are entirely dependent upon such employment as the Hindus may choose to give them and on such wages as the Hindus may find it profitable to pay. In the villages in which they live they cannot engage in any trade or occupation, for owing to untouchability no Hindu will deal with them. It is

therefore obvious that there is no way of earning a living which is open to the Untouchables so long as they live as a dependent part of the Hindu village. This economic dependence has also other consequences besides the condition of poverty and degradation which proceeds from it. The Hindu has a code of life, which is part of his religion. This code of life gives him many privileges and heaps upon the Untouchable many indignities which are incompatible with the sanctity of human life. By the New Life Movement which has taken hold of the Untouchables, the Untouchables all over India are fighting against the indignities and injustices which the Hindus in the name of their religion have heaped upon them. A perpetual war is going on every day in every village between the Hindus and the Untouchables. It does not see the light of the day. The Hindu Press is not prepared to advertise it lest it should injure the cause of their freedom in the eyes of the world. The silent struggle is however a fact. Under the village system the Untouchable has found himself greatly handicapped in his struggle for free and honourable life. It is a contest between the economically and socially strong Hindus and an economically poor and socially small group of Untouchables. That the Hindus most often succeed in pulling down Untouchables is largely due to many causes. The Hindu has the Police and the Magistracy on his side. In a quarrel between the Untouchables and the Hindus the Untouchables will never get protection from the Police or justice from the Magistrate. The Police and the Magistracy are Hindus, and they love their class more than their duty. But the chief weapon in the armoury of the Hindus is economic power which they possess over the poor Untouchables living in the village. The economic processes by which the Hindus can hold down the Untouchables in their struggle for equality are well described in the Report made by a Committee appointed by the Government of Bombay in 1928 to investigate into the grievances of the Depressed Classes* and from which the following extracts are made. It illuminates the situation in a manner so simple that even foreigners who do not know the mysteries of the Hindu social system may understand what tyranny the Hindus can practise upon the

*Before The Government of India Act 1935 the Untouchables were generally described as the Depressed Classes. The Act calls them Scheduled Castes.

Untouchables. The committee said :-

“Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes. It must be noted that the Depressed Classes form a small minority in every village, opposed to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Depressed Classes at any cost. The danger of prosecution by the Police has put a limitation upon the use of violence by the orthodox classes and consequently such cases are rare.

“The second difficulty arises from the economic position in which the Depressed Classes are found today. The Depressed Classes have no economic independence in most parts of the Presidency. Some cultivate the lands of the orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when the latter have dared to exercise their rights, and have evicted them from their land, and stopped their employment and discontinued their remuneration as village servants. This boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of sale of the necessities of life by the village Bania. According to the evidence, sometimes small causes suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to the use of the common well, but cases have been by no means rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with the bride-groom on the horse through the public street.”

This demand for separate settlements is a new demand which has been put forth by the Untouchables for the first time. It is not possible to say as yet as to what attitude the Hindus will take to this demand. But there is no doubt that this is the most vital demand made by the Untouchables, and I am sure that whatever may happen with regard to the other demands they are not likely to

yield on this. The Hindus are prone to think that they and the Untouchables are joined together by the will of God as the Bible says the husband is joined to his wife and they will say in the language of the Bible that those whom God is pleased to join let no man put asunder. The Untouchables are determined to repudiate any such view of their relations with the Hindus. They want the link to be broken and a complete divorce from the Hindus effected without delay.

The only questions that arise are those of the cost it will involve in and time it will take. As to cost, the Untouchables say it should be financed by Government. It will no doubt fall for the most part on the Hindus. But there is no reason why the Hindus should not bear the same. The Hindus own everything. They own the land in this country. They control trade, and they also own the State. Every source of revenue and profit is controlled by them. Other communities and particularly the Untouchables are just hewers of wood and drawers of water. The social system helps the Hindus to have a monopoly of everything. There is no reason why they should not be asked to pay the cost of this scheme when they practically own the country.

As to time, it matters very little even if the transplantation of the Untouchables to new settlements takes 20 years. Those who have been the bounden slaves of the Hindus for a thousand years may well be happy with the prospect of getting their freedom by the end of 20 years.

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CHAPTER IX

CASTE AND CONSTITUTION

It might well be asked why should such questions as are raised by these demands of the Untouchables find a place in the Constitution? Nowhere in the world have the makers of constitution been compelled to deal with such matters. This is an important question and I admit that an answer is required on the part of those who raise such questions and insist that they are of constitutional importance. The answer to this question is to my mind quite obvious. It is the character of the Indian Society which invests this question with constitutional importance. It is the Caste system and the Religious system of the Hindus which is solely responsible for this. This short statement may not suffice to give an adequate explanation to foreigners of the social and political repercussions of the Hindu Caste and Religious systems. But it is equally true that in the brief compass of this paper it is impossible to deal exhaustively with the repercussion of the caste system on the constitution. I would refer for a full and complete exposition of the subject to my book on the Annihilation of Castes which I wrote some time ago. For I believe it will shed sufficient light on the social and economical ramification of the Caste and Religious system of the Hindus. In this Paper I will content myself with making the following general observations. In framing a constitution the Social structure must always be kept in mind. The political structure must be related to the social structure. The operation of the social forces is not confined to the social field. They pervade the political field also. This is the view point of the Untouchables and I am sure this is incontrovertible. The Hindus are quite conscious of this argument and also of its strength. But what they do is to deny that the structure of the Hindu Society is in any way different from the structure of European society. They attempt to meet the argument by saying that there is no difference between the Caste system of the Hindus and the Class system in Western Society. This is of course palpably false and discloses a gross ignorance both of the Caste system as well as of the Class system. The Caste system is a system which is infested with the spirit of isolation and in fact it makes isolation of one Caste from

another a matter of virtue. There is isolation in the Class system but it does not make isolation a virtue nor does it prohibit social intercourse. The Class system it is true produces groups. But they are not akin to Caste groups. The groups in the Class System are only non-social while the Castes in the Caste system are in their mutual relations definitely and positively anti-social. If this analysis is true then there can be no denying the fact that the social structure of Hindu Society is different and consequently its political structure must be different. What the Untouchables are asking, to put it in general terms, is a proper correlation of means to ends. End may be the same. But because the end is the same it does not follow that the means must also be the same. Indeed ends may remain the same and yet means must vary according to time and circumstances. Those who are true to their ends must admit this fact and must agree to adopt different means if they wish that the end they have in view is not stultified.

In this connection there is another thing which I would like to mention. As I have said, it is the Caste basis of Hindu society which requires that its political structure should be different and suited to its social structure. There are people who admit this but argue that caste can be abolished from Hindu society. I deny that. Those who advocate such a view think that caste is an institution like a Club or a Municipality or a County Council. This is a gross error. Caste is Religion, and religion is anything but an institution. It may be institutionalized but it is not the same as the institution in which it is embedded. Religion is an influence or force suffused through the life of each individual moulding his character, determining his actions and reactions, his likes and dislikes. These likes and dislikes, actions and reactions are not institutions which can be lopped off. They are forces and influences which can be dealt with by controlling them or counteracting them. If the social forces are to be prevented from contaminating politics and perverting it to the aggrandizement of the few and the degradation of the many then it follows that the political structure must be so framed that it will contain mechanisms which will bottle the prejudices and nullify the injustice which the social forces are likely to cause if they were let loose.

So far I have explained in a general way why the peculiar social structure of the Hindu Society calls for a peculiar political structure

and why the marker of the Indian Constitution cannot escape problems which did not plague the makers of Constitution in other countries. Let me now take the specific question, namely why it is necessary that in the Indian Constitution the Communal Scheme must find its place and why in the Public Services for the Untouchables should be specified and should be assigned to them as their separate possession. The justification for these demands is easy and obvious. It arises from the undeniable fact that what divides the Untouchables from the Hindus is not mere matter of difference on non-essentials. It is a case of fundamental antagonism and antipathy. No evidence of this antipathy and antagonism is necessary. The system of Untouchability is enough evidence of the inherent antagonism between the Hindus and the Untouchables. Given this antagonism it is simply impossible to ask the Untouchables to depend upon and trust the Hindus to do them justice when the Hindu get their freedom and independence from the British. Who can say that the Untouchable is not right in saying that he will not trust the Hindu? The Hindu is as alien to him as a European is and what is worse the European alien is neutral but the Hindu is most shamefully partial to his own class and antagonistic to the Untouchables. There can be no doubt that the Hindus have all these ages despised, disregarded and disowned the Untouchables as belonging to a different and contemptible strata of Society if not to a different race. By their own code of conduct the Hindus behave as the most exclusive class steeped in their own prejudices and never sharing the aspirations of the Untouchables with whom they have nothing to do and whose interests are opposed to theirs. Why should the Untouchables entrust their fate to such people? How could the Untouchables be legitimately asked to leave their interest into the hands of a people who as a matter of fact are opposed to them in their motives and interests, who do not sympathise with the living forces operating among the Untouchables, who are themselves not charged with their wants, cravings and desires, who are inimical to their aspirations, who in all certainty will deny justice to them and to discriminate against them and who by reason of the sanction of their religion have not been and will not be ashamed to practise against the Untouchables any kind of inhumanity. The only safety against such people is to have the political rights which the Untouchables claim as safeguards against the tyranny of the Hindu Majority defined in the Constitution. Are the Untouchables extravagant in demanding this safety?

CHAPTER X

SOME QUESTIONS TO THE HINDUS AND THEIR FRIENDS

IN the midst of this political controversy one notices that the Hindus are behaving differently towards different communities. The Untouchables are not the only people in India who are demanding political safeguards. Like the Untouchables the Muslims and the Sikhs have also presented their political demands to the Hindus. Both the Mussalmans and the Sikhs can in no sense be called helpless minorities. On the contrary they are the two most powerful communities in India. They are educationally quite advanced and economically well placed. By their social standing they are quite as high as the Hindus. Their organization is a solid structure and no Hindu will dare to take any liberties with them much less cause any harm to them.

What are the political demands of the Muslims and the Sikhs? It is not possible to set them out here. But the general opinion is that they are very extravagant and the Hindus resent them very much. In contrast with this the condition and the demands of the Untouchables are just the opposite of the condition of the Muslims and the Sikhs. They are a weak, helpless and despised minority. They are at the mercy of all and there are not a few occasions when Hindus, Muslims and Sikhs combine to oppress them. Of all the Minorities they need the greatest protection and the strongest safeguards. Their demands are of the modest kind and there is nothing in them of that over-insurance which may be said to characterize the demands of the Muslims and the Sikhs. What is the reaction of the Hindus to the demands of the Muslims, the Sikhs and the Untouchables? Notwithstanding the extravagance of their demands the Hindus are ever ready to conciliate the Mussalmans and the Sikhs, particularly the former. They not only want to be correct in their relationship with the Mussalmans, they are prepared to be considerate and even

generous. Mr. Rajagopalachari's political exploits are too fresh to be forgotten. Suddenly he enrolled himself as a soldier of the Muslim League and proclaimed a war on his own kin and former friends and for what? Not for their not failure to grant the reasonable demands of the Muslim but for their conceding the most extravagant one, namely Pakistan !! What is Mr. Rajagopalachari's response to the demands of the Untouchables? So far I am aware there is no response. He does not even seem to be aware that there are 60 million Untouchables in this country and that they too like the Muslims are demanding political safeguards. This attitude of studied silence and cold indifference of Mr. Rajagopalachari is typical of the whole body of Hindus. The Hindus have been opposing the political demands of the Untouchables with the tenacity of a bulldog and the perversity of a renegade. The Press is theirs and they make a systematic attempt to ignore the Untouchables. When they fail to ignore them they buy their leaders; and where they find a leader not open to purchase they systematically abuse him, misrepresent him, blackmail him, and do everything possible that lies in their power to suppress him and silence him: Any such leader who is determined to fight for the cause of the Untouchables he and his followers are condemned as anti-National. So exasperated the Hindus become by the political demands of the Untouchables that they in their rage refuse to recognize how generous the Untouchables are in consenting to be ruled by a Hindu Majority in return for nothing more than a few political safeguards. The Hindus are not aware of what Carson said to Redmond when the two were negotiating for a United Ireland. The incident is worth recalling. Redmond said to Carson "Ask any safeguards you like for the Protestant Minority of Ulster, I am prepared to give them; but let us have a United Ireland under one constitution." Carson's reply was curt and brutal. He said without asking for time to consider the offer "Damn your safeguards, I don't want to be ruled by you". The Hindus ought to be thankful that the Untouchables have not taken the attitude which Carson took. But far from being thankful they are angry because the Untouchables are daring to ask for political rights. In the opinion of the Hindus the Untouchables have no right to ask for any rights. What does this difference of attitude on the part of the Hindus to the political demands of the different communities indicate?

It indicates three things (1) They want to get all power to themselves, (2) They are not prepared to base their political institutions on the principle of justice, (3) Where they have to surrender power they will surrender it to the forces of truculence and the mailed fist but never to the dictates of justice.

This attitude of the Hindus forms the tragic scene of Indian politics. Unfortunately this is not the only tragic scene with Indian Politics. There is another equally tragic in character. It concerns the friends of the Hindus in foreign countries. The Hindus have created many friends for themselves all over the world by their clever propaganda, particularly in America, "the land of liberty". The tragedy is that these friends of the Hindus are supporting a side without examining whether it is the side which they in point of justice ought to support. No American friends of the Hindus have, so far as I know, asked what do the Hindus stand for? Are they fighting for freedom or are they fighting for power? If the Hindus are fighting for power, are the American friends justified in helping the Hindus? If the Hindus are engaged in a war for freedom, must they not be asked to declare their war aims? This is the least bit these American friends could do. Since the American friends have thought it fit to respond to the Hindu call for help it is necessary to tell these American friends of the Hindus what wrong they will be doing to the cause of freedom by their indiscriminate and blind support to the Hindu side. What I want to say follows the line of argument which the Hindus themselves have taken. Since the war started the Hindus, both inside and outside the Congress, demanded that the British should declare their war aims. Day in and day out the British were told, "If you want our help, tell us what you are fighting for? If you are fighting for freedom, tell us if you will give us freedom in the name of which you are waging this war" There was a stage when the Hindus were prepared to be satisfied with a promise from the British that India will have the benefit of freedom for which the British are waging. They have gone a stage further. They are no longer content with a promise. Or to put it in the language of a congressman, "They refuse to accept a postdated cheque on a crashing Bank". They wanted freedom to be given right now, before the Hindus would consent to give their voluntary support to the War effort. That is the significance of Mr. Gandhi's new slogan of "Quit India". Mr. Churchill on whom the

responsibility of answering these questions fell replied, that his war aim was victory over the enemy. The Hindus were not satisfied. They questioned him further "What are you going to do after you get that victory? What social order you propose to establish after the war?" There was a storm when Mr. Churchill replied that he hoped to restore traditional Britain. These were legitimate questions I agree. But do not the friends of Hindus think that if it is legitimate to ask the very same questions to Mr. Churchill it is also legitimate to ask the very same questions to Mr. Gandhi and the Hindus? The British had declared war against Hitler. Mr. Gandhi has declared war against the British. The British have an Empire. So have the Hindus. For is not Hindum a form of imperialism and are not the Untouchables a subject race, owing there allegiance and their servitude to their Hindu Master? If Churchill must be asked to declare his war aims how could anybody avoid asking Mr. Gandhi and the Hindus to declare their war aims? Both say their war is a war for freedom. If that is so both have a duty to declare what their war aims. are. What does Mr. Gandhi propose to do after he gets his victory over the British? Does he propose to use the freedom he hopes to get to make the Untouchables free or will he allow the freedom he gets to be used to endow the Hindus with more power than they now possess, to hold the Untouchables as their bondsmen? Will Mr. Gandhi and Hindus establish a New Order or will they be content with rehabilitation of the traditional Hindu India, with its castes and its untouchability, with its denial of Liberty, Equality and Fraternity? I should think that these questions should be asked by those American friends to Mr. Gandhi and the Hindus who are helping them in this so-called war for Freedom. These questions are legitimate and pertinent. It is only answers to such questions which will enable these American friends to know whether Mr. Gandhi's war is a war for freedom or a war for power. These questions are not merely pertinent and legitimate, they are also necessary. The reason is obvious to those who know the Hindus. The Hindus have an innate and inveterate conservatism and they have a religion which is incompatible with liberty, equality and fraternity i. e. with democracy. Inequality, no doubt, exists everywhere in the world. It is largely to conditions and circumstances. But it never has had the support of religion. With the Hindus it is

different. There is not only inequality in Hindu Society but inequality is the official doctrine of the Hindu religion. The Hindu has no will to equality. His inclination and his attitude are opposed to the democratic doctrine of one man one value. Every Hindu is a social Tory and political Radical. Mr Gandhi is no exception to this rule. He presents himself to the world as a liberal but his liberalism is only a very thin veneer which sits very lightly on him as dust does on one's boots. You scratch him and you will find that underneath his liberalism he is a blue blooded Tory. He stands for the cursed caste. He is a fanatic Hindu upholding the Hindu religion. See how the Hindus read the famous American Declaration of Independence of 1776. The Hindu is mad with joy when he reads the Declaration to say—

‘That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organising its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.’

But he stops there. He never bothers about the earlier part of that Declaration which says :—

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”

The implementation of this Declaration has no doubt been a tragic episode in the history of the United States. There have been two views about this document. Some hold that it is a great spiritual document. Others have held that it immortalizes many untruths. In any case this charter of human Liberty was not applied to the Negroes. What is however important to note is the faith underlying the Declaration. There is no doubt about it and certainly no doubt about the faith of Jefferson, the author of this Declaration. He never forgot that while enunciating a long principle, his country decided to take a short step. He wrote, “I am sorry for my countrymen.” It may be no recompense to the Negroes. But it is by no means small comfort to know that the conscience of the country is not altogether dead and the flame of righteous indignation may

one day burst forth. The Negroes may laugh at this. But the fact is that even this much comfort the Untouchables cannot hope to have from the Hindus. People to-day are proud of the fact that the Hindus are a solid mass. But strange as it may appear, to the Untouchables of India, this is more a matter of dread than comfort—as the “Solid South” is to the Negroes in the United States. Where could anyone find in India among the Hindus any person with a sense of shame and a sense of remorse such as was felt by Jefferson? I should have thought the Hindus would be too ashamed of this stigma of Untouchability on them to appear before the world with a demand for their freedom. That they do clamour for freedom—the pity is that they get support—is evidence that their conscience is dead, that they feel no righteous indignation, and to them Untouchability is neither a moral sin nor a civil wrong. It is just a sport as cricket or hockey is. The friends of Mr. Gandhi will no doubt point to him and his work. But what has Mr. Gandhi done to reform Hindu Society that his work and life be cited by democrats as a witness of hope and assurance? His friends have been informed of the Harijan Sevak Sangh and they continue to ask, “Is not Mr. Gandhi working to uplift the Harijans?” Is he? What is the object of this Harijan Sevak Sangh? Is it to prepare the Untouchables to win their freedom from their Hindu masters, to make them their social and political equals? Mr. Gandhi had never had any such object before him and he never wants to do this, and I say that he cannot do this. This is the task of a democrat and a revolutionary. Mr. Gandhi is neither. He is a Tory by birth as well as by faith. The work of the Harijan Sevak Sangh is not to raise the Untouchables. His main object, as every self-respecting Untouchable knows, is to make India safe for Hindus and, Hinduism. He is certainly not fighting the battle of the Untouchables. On the contrary by distributing through the Harijan Sevak Sangh petty gifts to petty Untouchables he is buying, benumbing and drawing the claws of the opposition of the Untouchables which he knows is the only force which will disrupt the caste system and will establish real democracy in India. Mr. Gandhi wants Hinduism and the Hindu caste system to remain intact. Mr. Gandhi also wants the Untouchables to remain as Hindus. But as what? not as partners but as poor relations of the Hindus. Mr. Gandhi is kind to the Untouchables. But for what?

Only because he wants to kill, by kindness, them and their movement for separation and independence from Hindus. The Harijan Sevak Sangh is one of the many techniques which has enabled Mr. Gandhi to be a successful humbug.

Turn to Pandit Jawaharlal Nehru. He draws his inspiration from the Jeffersonian Declaration; but has he ever expressed any shame or any remorse about the condition of the 60 millions of Untouchables ? Has he anywhere referred to them in the torrent of literature which comes out from his pen ? Go to the youth of India, if you want. The youths who fill the Universities and who follow the Pandit's lead are ever ready to fight the political battle of India against the British. But what do these children of the leisured class Hindus have done to redress the wrongs their forefathers have done to the Untouchables ? You can get thousands of Hindu youths to join political propaganda but you cannot get one single youth to take up the cause of breaking the caste system or of removing Untouchability. Democracy and democratic life, justice and conscience which are sustained by a belief in democratic principle are foreign to the Hindu mind. To leave democracy and freedom in such Tory hands would be the greatest mistake democrats could commit. It is therefore very necessary for the American friends of the Hindus to ask Mr. Gandhi and the Hindus to declare their War aims, so that they may be sure that the fight of the Hindus against British is really and truly a fight for freedom. The Congress and the Hindus will no doubt refer their inquiring foreign friends to the Congress Resolutions regarding minority rights. But I would like to warn the American friends of the Hindus not to be content with the "glittering generalities" contained in congress declaration of Minority Rights. To declare the rights of the minority is one thing and to have them implemented is another. And why should the friends of the Hindus if they are really friends of freedom, not insist on implementation straight away ? Are not the Hindus saying that they would not be satisfied with mere declaration of freedom from the British ? Are they not asking for immediate implementation ? If they want the British to implement their War aims, why should the Hindus be not prepared to implement their war aims ? American friends of the Hindus, I am sure, will not be misled by the Hindu propaganda that this war of the Hindus against the British is a War for freedom. Before helping the Hindus they

must get themselves satisfied that the Hindus who are urging that their war against the British is a war for freedom will not turn out to be the enemies of the freedom of millions of Indians like the Untouchables. That is the plea I am making on behalf of the 60 millions of the Untouchables of India. And above all let not the American friends think that checks and balances in a Constitution—the demand for checks and balances suited to Indian conditions—are not necessary because the struggle is carried on by a people and is carried on in the name of freedom. Friends of democracy and freedom cannot afford to forget the words of John Adams when he said—

“We may appeal to every page of history we have hitherto turned over, for proof irrefragable that the people when they have been unchecked, have been as unjust, tyrannical, brutal, barbarous , and cruel as any king or Senate possessed of uncontrollable power : the majority has eternally and without one exception usurped over the rights of the minority.”

If all Majorities must be subjected, to checks and balances how much more must it be so in the case of the Hindus ?

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Note
on
the Annexure

The present volume of 'What Congress and Gandhi have done to the Untouchables,' is the reprint of the first edition published in 1945. Dr. Ambedkar brought out a second edition, in 1946. Certain changes by way of substantial additions and improvements are noticed. Chapter 9, which contains these changes is therefore annexed to the Volume. No changes are noticed in the remaining text.

The Editorial Committee is grateful to Shri G. P. Mandavkar of Nagpur for bringing to our notice the contents of the second edition.

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CHAPTER IX

A PLEA TO THE FOREIGNER

Let not Tyranny Have Freedom to Enslave

I

IT is a matter of common experience that barring a few exceptions, almost all foreigners, who show interest in Indian political affairs, take the side of the Congress. This quite naturally puzzles and annoys the other political parties in the country, such as the Muslim League, claiming to represent the Musalmans, the Justice Party—now in a state of suspended animation but still—claiming to speak in the name of the non-Brahmins and the All-India Scheduled Castes Federation, claiming to represent the Untouchables, all of whom have been appealing to the foreigner for support but to whom the foreigner is not even prepared to give a sympathetic hearing. Why does the foreigner support the Congress and not the other political parties in India ? Two reasons are usually assigned by the foreigner for his behaviour. One reason assigned by him for supporting the Congress is that it is the only representative political organization of the Indians and can speak in the name of India and even for the Untouchables. Is such a belief founded on facts ?

It must be admitted that there have been circumstances which are responsible for creating such a belief. The first and foremost circumstance for the spread of this view is the propaganda by the Indian Press in favour of the Congress. The Press in India is an accomplice of the Congress, believes in the dogma that the Congress is never wrong and acts on the principle of not giving any publicity to any news, which is inconsistent with the Congress prestige or the Congress ideology. To the foreigner the Press is the principal medium of information about the Indian political affairs. The cry of the Indian Press being what it is, there is therefore no wonder if the people in England and America know one thing and only one thing, namely, that the Congress is the only representative body in India including even the Untouchables.

The effect of this propaganda is considerably heightened because of the absence of counter-propaganda on behalf of the Untouchables to advertise their case against the Congress claim. There are various explanations for this failure on the part of the Untouchables.

The Untouchables have no Press. The Congress Press is closed to them and is determined not to give them the slightest publicity. They cannot have their own Press and for obvious reasons. No paper can survive without advertisement revenue. Advertisement revenue can come only from business and in India all business, both high and small, is attached to the Congress and will not favour any Non-Congress organization. The staff of the Associated Press in India, which is the main news distributing agency in India, is entirely drawn from the Madras Brahmins—indeed the whole of the Press in India is in their hands and they, for well-known reasons, are entirely pro-Congress and will not allow any news hostile to the Congress to get publicity. These are reasons beyond the control of the Untouchables.

To a large extent the failure of the Untouchables to do propaganda, it must be admitted, is also due to the absence of will to do propaganda. This absence of will arises from a patriotic motive not to do anything, which will damage the cause of the country in the eyes of the world outside. There are two different aspects to the politics of India, which may be distinguished as foreign politics and constitutional politics. India's foreign politics relate to India's freedom from British Imperialism, while the constitutional politics of India centre round the nature of a constitution for a free India. For a discriminating student the two issues are really separate. But the Untouchables fear that though the two aspects of India's politics are separable, the foreigner, who counts in this matter and whose misunderstanding has to be guarded against, is not only incapable of separating them but is very likely to mistake a quarrel over constitutional politics for a disagreement over the ultimate purposes of India's foreign politics. This is why the Untouchables have preferred to remain silent and allowed the Congress propaganda to go unchallenged.

The Congressmen will not admit the patriotic motives of the Untouchables in keeping silent over Congress propaganda which is directed against them. The fact, however, remains that the silence and the desire to avoid open challenge on the part of the

Untouchables have been materially responsible for the general belief that the Congress represents all, even the Untouchables.

While, as explained above, there are circumstances which are responsible for creating the belief that Congress represents all including the Untouchables, such a belief is not warranted by the facts as disclosed by the elections that took place in 1937. How the claim of the Congress to represent all has been disproved by those elections, has already been described in an earlier part of this book, both generally and also with particular regard to the claim of the Congress to represent the Untouchables. If the foreigner will make a note of it he will see how wide the propaganda is from the facts.

At a time when the representative character of the Congress was not put to test in an election it was excusable for a foreigner to be carried away by propaganda. But the matter has now been put to test in the elections that took place in 1937. With the results of the elections available to check the position, it may be hoped that the foreigners will revise their view that the Congress represents all, including the Untouchables, and that they will realize that the other parties are equally representative of elements in the social life of India which are outside the Congress and have therefore the right to be heard.

II

There is another reason why the foreigner lends his support to the Congress. It lies in the difference between the demonstrative activities of the Congress and the other political parties in the country. While he compares the activities of the different political parties, he sees Congressmen engaged in a conflict with the British Government, launching campaigns of civil disobedience, breaking laws made by a foreign Government, organizing movements for non-payment of taxes, courting prison, preaching non-co-operation with Government, refusing offices and exhibiting themselves in other ways as men out to sacrifice themselves for the freedom of the country. On the other hand, he sees the other political parties uninterested, passive and taking no part in such a struggle. From this, he concludes that the Congress is a body struggling for the freedom of India, while the other parties are indifferent, if not obstructive and as a lover of freedom feels bound to support.

the Congress as a body carrying on a 'Fight for Freedom' in preference to other parties.

This is quite natural. But a question arises which calls for attention. Is this partiality to the Congress the result of an infatuation for the 'Fight for Freedom' movement? Or, is it the result of a conviction that this 'Fight for Freedom' is going to make the people of India free? If it is the former, all I can do is to regret that what I have said in Chapter VII in explanation as to why the Untouchables have not joined with the Congress in this 'Fight for Freedom' has not produced the desired effect on the foreigner. But I cannot quarrel with him on that account. For it is quite understandable that many a foreigner on reading that chapter may say that while the reasons adduced by me as to why the Untouchables refuse to join the 'Fight for Freedom' are valid and good, I have shown no ground why he should not support a body which is carrying on a fight for freedom.

If the basis of his partiality to the Congress is of the latter sort then the matter stands on a different footing. It then becomes necessary to examine the rationale of his attitude and to save him from his error.

Ordinarily, no one trusts the word of a person who is not prepared to place all his cards on the table and commit himself to something clear and definite, so as to prove his *bona fides*, to inspire confidence and secure the co-operation of those who have doubts about his motives. The same rule must apply to the Congress. But as I have shown in Chapter VII the Congress has not produced its blue print of the sort of democracy it aims to establish in India, showing what place the servile classes and particularly the Untouchables will have in it. Indeed, it has refused to produce such a blue print, notwithstanding the insistent demand of the Untouchables and the other minority communities. In the absence of such a pronouncement it appears to be a strange sort of credulity on the part of the foreigner to give support to the Congress on the ground that it stood for democracy.

There is certainly no ground for thinking that the Congress is planning to establish democracy in India. The mere fact that the Congress is engaged in a 'Fight for Freedom' does not warrant such a conclusion. Before any such conclusion is drawn it is the duty of the foreigner to pursue the matter further and ask another question, namely, 'For whose

freedom is the Congress fighting ?' The question whether the Congress is fighting for freedom has very little importance as compared to the question, 'for whose freedom is the Congress fighting ?' This is a pertinent and necessary inquiry and it would be wrong for any lover of freedom to support the Congress without further pursuing the matter and finding out what the truth is. But the foreigner who takes the side of the Congress does not care even to raise such a question. One should have thought that he would very naturally raise such a question and if he did raise it and pursue it, I am confident, he will find abundant proof that the Congress far from planning for democracy is planning to resuscitate the ancient form of Hindu polity of a hereditary governing class ruling a hereditary servile class.

The attitude of the foreigner to the cause of the servile classes and particularly to the cause of the Untouchables is a vital matter and no party can leave it out of consideration, as a case of idiosyncrasy. For any one representing the Untouchables it is necessary to take note of it and do his best to convince the foreigner that in supporting the Congress he is supporting a wrong party.

III

Apart from the question of likes and dislikes, the real explanation for this strange attitude of the foreigner towards the Congress seems to be in certain notions about freedom, self-government and democracy propounded by western writers on Political Science and which have become the stock-in-trade of the average foreigner.

As to freedom, the foreigner does not stop to make a distinction between the freedom of a country and the freedom of the people in the country. He takes it for granted that the freedom of a country is the same as the freedom of the people in the country and once the freedom of the country is secured the freedom of the people is also thereby assured.

As regards self-government he believes that all that is wanted in a people is a sense of constitutional morality, which Grote¹ defined as habits of "paramount reverence for the form of

1. History of Greece, Vol. III, p. 347.

the constitution, enforcing obedience to the authorities acting under and within those forms, yet combined with the habit of open speech, of action subject only to definite legal control, and unrestrained censure of those very authorities as to all their public acts—combined, too, with a perfect confidence in the bosom of every citizen, admits the bitterness of party contest, that the forms of constitution will be not less sacred in the eyes of his opponents than in his own.” If in a populace these habits are present, then according to the western writers on Politics, self-government can be a reality and nothing further need be considered. As to democracy he believes that what is necessary for achieving it is the establishment of universal adult suffrage. Other aids have been suggested such as recall, plebiscite and frequent elections and in some countries they have been brought into operation. But in a majority of countries nothing more than adult suffrage and frequent elections is deemed to be necessary for ensuring Government by the people, of the people and for the people.

I have no hesitation in saying that all these notions are fallacious and grossly misleading.

Not to make a distinction between the freedom of the country and the freedom of the people in the country is to allow oneself to be misled, if not deceived. For, words such as society, nation and country are just amorphous if not ambiguous terms. There is no gainsaying that ‘nation’ though one word means many classes. Philosophically, it may be possible to consider a nation as a unit but sociologically it cannot but be regarded as consisting of many classes and the freedom of the nation, if it is to be a reality, must vouchsafe the freedom of the different classes comprised in it, particularly of those who are treated as the servile classes.

Habits of constitutional morality may be essential for the maintenance of a constitutional form of Government. But the maintenance of a constitutional form of Government is not the same thing as a self-government by the people. Similarly, it may be granted that adult suffrage can produce government of the people in the logical sense of the phrase, i.e., in contrast to the government of a king. But it cannot by itself be said to bring about a democratic government, in the sense of the government by the people and for the people.

Anyone who knows the tragic fate of Parliamentary Democracy in Western Europe will not require more and

better evidence to prove the fallacy underlying such notions of democracy¹. If I may quote myself from what I have said in another place, the causes which have led to the failure of democracy in Western Europe may be summarized in the following words :

“The Government of human society has undergone some very significant changes. There was a time when the government of human society had taken the form of autocracy by Despotic Sovereigns. This was replaced after a long and bloody struggle by a system of government known as Parliamentary Democracy. It was felt that this was the last word in the framework of government. It was believed to bring about the millennium in which every human being will have the right to liberty, property and pursuit of happiness. And there were good grounds for such high hopes. In parliamentary democracy there is the Legislature to express the voice of the people ; there is the executive which is subordinate to the Legislature and bound to obey the Legislature. Over and above the Legislature and the Executive there is the Judiciary to control both and keep them both within prescribed bounds. Parliamentary democracy has all the marks of a popular Government, a government of the people, by the people and for the people. It is therefore a matter of some surprise that there has been a revolt against parliamentary democracy although not even a century has elapsed since its universal acceptance and inauguration. There is revolt against it in Italy, in Germany, in Russia and in Spain, and there are very few countries in which there has not been discontent against parliamentary democracy. Why should there be this discontent and dissatisfaction against parliamentary democracy ? It is a question worth considering. There is no country in which the urgency of considering this question is greater than it is in India, India is negotiating to have parliamentary democracy. There is a great need of some one with sufficient courage to tell Indians: “Beware of parliamentary democracy, it is not the best product as it appears to be.

Why has parliamentary democracy failed ? In the country of the dictators it has failed because it is a machine whose movements are very slow. It delays swift action. In a parliamentary democracy the Executive may be held up by the Legislature which may refuse to pass the laws which the Executive wants and if it is not held up by the Legislature it

1. Labour and Parliamentary Democracy—A lecture delivered on 17th September 1943 to the All-India Trade Union Workers' Study Camp held in Delhi.

may be held up by the judiciary which may declare the laws as illegal. Parliamentary democracy gives no free hand to dictatorship and that is why it became a discredited institution in countries like Italy, Spain and Germany which readily welcomed dictatorships. If dictators alone were against parliamentary democracy it would not have mattered at all. Their testimony against parliamentary democracy would be welcomed for the reason that it can be an effective check upon dictatorship. But unfortunately there is a great deal of discontent against parliamentary democracy even in countries where people are opposed, to dictatorship. That is the most regrettable fact about Parliamentary democracy. This is all the more regrettable because parliamentary democracy has not been at a standstill. It has progressed in three directions. It began with equality of political rights in the form of equal suffrage. There are very few countries having parliamentary democracy which have not adult suffrage. It has progressed by expanding the notion of equality of political rights to equality of social and economic opportunity. It has recognised that the State cannot be held at bay by corporations which are anti-social in their purpose. With all this, there is immense discontent against parliamentary democracy even in countries pledged to democracy. The reasons for discontent in such countries must obviously be different from those assigned by the dictator countries. There is no time to go into details. But it can be said in general terms that the discontent against parliamentary democracy is due to the realization that it has failed to assure to the masses the right to liberty, property or the pursuit of happiness. If this is true, it is important to know the causes which have brought about this failure. The causes for this failure may be found either in wrong ideology or wrong organization or in both. I think the causes are to be found in both.

Of the erroneous ideologies which have been responsible for the failure of parliamentary democracy I have no doubt that the idea of freedom of contract is one of them. The idea became sanctified and was upheld in the name of liberty. Parliamentary democracy took no notice of economic inequalities and did not care to examine the result of freedom of contract on the parties to the contract, in spite of the fact that they were unequal in their bargaining power. It did not mind if the freedom of contract gave the strong the opportunity to defraud the weak. The result is that parliamentary democracy in standing out as protagonist of liberty has continuously added to the economic wrongs of the poor, the downtrodden and the disinherited class.

The second wrong ideology which has vitiated parliamentary democracy is the failure to realize that political democracy cannot succeed where there is no social and economic democracy. Some may question this proposition. To those who are disposed to question it, I will ask a counter-question. Why did parliamentary democracy collapse so easily in Italy, Germany and Russia ? Why did it not collapse so easily in England and the U.S.A. ? To my mind there is only one answer. It is that there was a greater degree of economic and social democracy in the latter countries than existed in the former. Social and economic democracy are the tissues and the fibre of a political democracy. The tougher the tissue and the fibre, the greater the strength of the body. Democracy is another name for equality. Parliamentary democracy developed a passion for liberty. It never made even a nodding acquaintance with equality. It failed to realize the significance of equality and did not even endeavour to strike a balance between liberty and equality with the result that liberty swallowed equality and has made democracy a name and a farce.

I have referred to the wrong ideologies which in my judgment have been responsible for the failure of parliamentary democracy. But I am equally certain that more than bad ideology it is bad organization which has been responsible for the failure of democracy. All political societies get divided into two classes—the Rulers and the Ruled. This is an evil. If the evil stopped here it would not matter much. But the unfortunate part of it is that the division becomes so stereotyped and stratified that Rulers are always drawn from the ruling class and the class that is ruled never becomes the ruling class. This happens because generally people do not care to see that they govern themselves. They are content to establish a government and leave it to govern them. This explains why parliamentary democracy has never been a government of the people or by the people and why it has been in reality a government of a hereditary subject class by a hereditary ruling class. It is this vicious organization of political life which has made parliamentary democracy such a dismal failure. It is because of this that parliamentary democracy has not fulfilled the hope it held out to the common man of ensuring to him liberty, property and pursuit of happiness.”

If this analysis of the causes which have led to the failure of democracy is correct, it must serve as a warning to the protagonists of democracy that there are certain fundamental considerations which go to the root of democracy and which

they cannot ignore without peril to democracy. For the sake of clarity these considerations may be set down in serial order.

First is the recognition of the hard fact of history that in every country there exist two classes,—the governing class and the servile class between whom there is a continuous struggle for power. *Second* is that by reason of its power and prestige the governing class finds it easy to maintain its supremacy over the servile class. *Third* is that adult suffrage and frequent elections are no bar against governing class reaching places of power and authority. *Fourth* is that on account of their inferiority complex the members of the servile classes regard the members of the governing class as their natural leaders and the servile classes themselves volunteer to elect members of the governing classes as their rulers. *Fifth* is that the existence of a governing class is inconsistent with democracy and self-government and that given the fact that where the governing class retains its power to govern, it is wrong to believe that democracy and self-government have become realities of life. *Sixth* is that self-government and democracy become real not when a constitution based on adult suffrage comes into existence but when the governing class loses its power to capture the power to govern. *Seventh* is that while in some countries the servile classes may succeed in ousting the governing class from the seat of authority with nothing more than adult suffrage, in other countries the governing class may be so deeply entrenched that the servile classes will need other safeguards besides adult suffrage to achieve the same end.

That there is great value in having these considerations drawn up and hung up, so to say on the wall, before every lover of democracy, so that he may see them and note them, goes without saying. For they will help, as nothing else can, to make him realize that in devising a constitution for democracy he must bear in mind : that the principal aim of such a constitution must be to dislodge the governing class from its position and to prevent it from remaining as a governing class for ever ; that the machinery for setting up a democratic government cannot be a matter of dogma ; that ousting the governing class from power being the main object the machinery for setting up a democratic government cannot be uniform and that variations in the machinery of Democracy must not merely be tolerated but accepted for the reason that

the processes by which the governing classes obtain their mastery over the servile classes vary from country to country,

This is what democracy means and involves. But unfortunately Western writers on Politics from whom the foreigner draws his notions have failed to take such a realistic view of democracy. Instead, they have taken a very formal and a very superficial view of it by making constitutional morality, adult suffrage and frequent elections as the be-all and end-all of democracy.

Those who propound the view that democracy need involve no more than these three devices are probably unaware of the fact that they are doing nothing more than and nothing different from expressing the point of view of the governing classes. The governing classes know by experience that such mechanisms have not proved fatal to their power and their position. Indeed, they have helped to give to their power and prestige the virtue of legality and made themselves less vulnerable to attack by the servile classes.

Those who wish that democracy and self-government should come into their own, and should not remain as mere forms, cannot do better than start with the recognition of the crucial fact that the existence of a permanently settled governing class is the greatest danger to democracy. It is the only safe and realistic approach for a democrat to adopt. It is a fatal blunder to omit to take account of its existence in coming to a conclusion as to whether in a free country freedom will be the privilege of the governing class only or it will be the possession of all. In my view, therefore, what the foreigner who chooses to side with the Congress should ask is not whether the Congress is fighting for freedom. He should ask : For whose freedom is the Congress fighting ? Is it fighting for the freedom of the governing class in India or is it fighting for the freedom of the people of India ? If he finds that the Congress is fighting for the freedom of the governing class, he should ask Congressmen ; Is the governing class in India fit to govern ? This is the least he can do before siding with the Congress.

What are the answers which Congressmen have to give to these questions ? I do not know. But I will give what I think are the only true answers to these questions.

IV

I cannot say if the foreigner will be impressed by what has been said in the foregoing section of this chapter. If he is he will no doubt ask for proof in support of the statement that the Congress in fighting for the freedom of the country is really fighting not to establish democracy but is planning to resuscitate the ancient Hindu polity of a hereditary governing class ruling a hereditary servile class. I am not certain that the foreigner will be satisfied with the evidence. But I am prepared to place it before him for what it is worth.

Who constitute the governing class in India ? For Indians such a question is unnecessary. But for the foreigner it is a necessary preliminary and it must therefore be dealt with. The governing class in India consists principally of the Brahmins. Strangely enough some present-day Brahmins repudiate the allegation that they belong to the governing class though at one time they described themselves as *Bhudevas* (Gods on earth). What can this *volte face* be due to ? The intellectual class in every community is charged by its moral code with one sacred duty, namely, to safeguard the interest of the community and not to sacrifice it to the interest of their own class. No intellectual class has so grossly violated this trust as have the Brahmins in India. When one finds the Brahmins repudiating their position as the governing class in India one begins to think whether it is due to a guilty conscience, born out of the realization that they have committed a criminal breach of this trust and therefore dare not stand before the bar of the world. Or is it due to their sense of modesty ? It is not necessary to speculate as to what the truth is. For, it is hardly open to question that in India the Brahmins are a governing class. If necessary there are two tests which one could apply for the purpose of ascertaining the truth. First is the sentiment of the people and the second is the Brahmin's share in administration. Taking the attitude of the people towards the Brahmin, nobody can deny that the person of the Brahmin is regarded as sacred by every Hindu, high or low. He is the most "Worshipful Master" to whom everyone high and low must bow. In pre-British days he had immunities and privileges which were denied to the servile class. For instance he could not be hanged even if he committed murder. That was because he was a sacred

person. There was a time when no person of the servile class could take his food without drinking the water in which the toes of the Brahmins were washed. Sir P. C. Ray once described how in his childhood, rows of children belonging to the servile classes used to stand for hours together in the morning on the roadside in Calcutta with cups of water in their hands waiting for a Brahmin to pass, ready to wash his feet and take the sacred liquid to their parents who would not take their food without having a sip of it first. He was entitled to first fruits. In Malabar, where the Sambandham form of marriage prevails, the servile classes, such as the Nairs regard it an honour to have their females kept as mistresses by the Brahmins. Even kings invited Brahmins to deflower their queens on *prima noctis*.¹

1. The Traveller Ludovico Di Varthema who came to India in the middle of the 16th century and visited Malabar says :

"It is proper and at the same time a pleasant thing to know who these Brahmins are. You must know that they are the chief persona of the faith, as priests are among us. And when the king takes a wife he selects the most worthy and the most honoured of these Brahmins and makes him sleep the first night with his wife, in order that he may deflower her. Do not imagine that the Brahmin goes willingly to perform this operation. The king is obliged to pay him four hundred to five hundred ducats. The king only and no other person in Calicut adopts this practice."—*Voyages of Varthema* (Hakluyat Society), Vol I, p 141.

Other Travellers tell that the practice was widespread. Hamilton in his *Account of the East Indies* says :

"When the Samorin marries, he most not cohabit with his bride till the Nambourie (Nambudri) or chief priest, has enjoyed her, and if he pleases he may have three nights of her company, because the first fruits of her nuptials must be a holy oblation to the God she worships and some of the nobles are so complacent as to allow the clergy the same tribute ; but the common people cannot have that compliment paid to them, but are forced to supply the priests places themselves."—Vol. I, p. 308.

Buchanan in his Narrative refers to the practice in the following terms :

"The ladies of the Tamuri family are generally impregnated by Nambudries ; although if they choose they may employ the higher ranks of Naire ; but the sacred character of the Nambudries always procures them a preference."—*Pinkerton's Voyages*, Vol. VIII, p. 734.

Mr. C. A. Innes, I.C.S., Editor of the *Gazetteer* of Malabar and Anjengo issued under the authority of the Government of Madras, says :

"Another institution found amongst all the classes following the *marukak-kattayam* system, as well as amongst many of those who observe *makkattayam*, is that known as "Tali-tying wedding" which has been described as the most peculiar, distinctive and unique" among Malayali marriage customs. Its essence is the tying of a *tali* (a small piece of gold or other metal, like a locket on a string) on a girl's neck before she attains the age of puberty. This is done by a man of the same or of a higher caste (the usages of different classes differ), and it is only after it has been done that the girl is at liberty to contract, a *sambandham*. It seems to be generally considered that the ceremony was intended to confer on the *tali tier* or *manavalan* (bridegroom) a right to cohabit with the girl; and by some the origin of the ceremony is found in the claim of the *Bhu-devas* or "Earth-Gods," (that is the Brahmins), and on a lower plane of Kshatriyas or ruling classes, to the first-fruits of lower caste womanhood, a right akin to the mediaeval *droit de seigneurie*"—Vol. I, p. 101.

Under the British Government and by reason of its equalitarian jurisprudence these rights, immunities and privileges of the Brahmins have ceased to exist. Nonetheless the advantages they gave still remain and the Brahmin is still pre-eminent and sacred in the eyes of the servile classes and is still addressed by them as “Swami” which means ‘Lord.’

The second test gives an equally positive result. To take only the Madras Presidency by way of illustration. Consider Table 18 (see page 213). It shows the distribution of gazetted posts between the Brahmins and the other communities in the year 1943. Similar data from the other provinces could also be adduced to support this conclusion. But it is unnecessary to labour the point. Whether the Brahmins accept or deny the status the facts that they control the State and that their supremacy is accepted by the servile classes, are enough to prove that they form the governing class.

It is of course impossible for the Brahmins to maintain their supremacy as a governing class without an ally to help them on account of their being numerically very small. Consequently, as history shows, the Brahmins have always had other classes as their allies to whom they were ready to accord the status of a governing class provided they were prepared to work with them in subordinate co-operation. In ancient and mediaeval times they made such an alliance with the Kshatriyas or the warrior class and the two not merely ruled the masses, but ground them down to atoms, pulverized them so to say—the Brahmin with his pen and the Kshatriya with his sword. At present, Brahmins have made an alliance with the Vaishya class called Banias. The shifting of this alliance from the Kshatriya to the Bania is in the changed circumstances quite inevitable. In these days of commerce money is more important than sword. That is one reason for this change in party alignment. The second reason is the need for money to run the political machine. Money can come only from and is in fact coming from the Bania. If the Bania is financing the Congress it is because he has realized—and Mr. Gandhi has taught him—that money invested in politics gives large dividends. Those who have any doubt in the matter might do well to read what Mr. Gandhi told Mr. Louis Fischer on June 6, 1942. In his book *A Week with Mr. Gandhi*, Mr. Fischer

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Table 18 (i)

Communities	Approximate Population in Lakhs	Percentage of Population	No. of Posts held out of Total No. Gazetted Posts (2,200)	Percentage of Appoint- ments held	Non-Gazetted Posts			
					Over Rs. 100 Total No. 7,500	No. held by	Percentage of Appoint- ments held	Over Rs. 35 Total No. 20,782
					No. held by			Percentage of Appoint- ments held
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Brahmins	15	3	820	37	3,280	43.73	8,812	42.4
Christians	20	4	190	9	750	10	1,655	8.0
Muhammadans	37	7	150	7	497	6.63	1,624	7.8
Depressed Classes	70	14	25	1.5	39	.52	144	.69
Non-Brahmins	113	22	620	27	2,543		8,440	40.6
	245	50	50	2				
Non-Asiatic and Anglo-Indians ...	—	—	—	—	372	5.0	83	.4
Other Communities	—	—	—	—	19	.5	24	.11

records very revealing answers to some of his most interesting and pertinent questions. Mr. Fischer writes¹:

“I said I had several questions to ask him (Mr. Gandhi) about the Congress Party. Very highly placed Britishers, I recalled, had told me that Congress was in the hands of big business and that Mr. Gandhi was supported by the Bombay Millowners who gave him as much money as he wanted. ‘What truth is there in these assertions,’ I asked, ‘Unfortunately, they are true,’ he declared simply. ‘Congress hasn’t enough money to conduct its work. We thought in the beginning to collect four annas (about eight cents) from each member per year and operate on that. But it hasn’t worked.’ ‘What proportion of the Congress budget,’ I asked, ‘is covered by rich Indians?’ ‘Practically all of it,’ he stated ‘In this ashram, for instance, we could live much more poorly than we do and spend less money. But we do not and the money comes from our rich friends.’ ”

Being dependent on his money, it is impossible for the Brahmin to exclude the Bania from the position of a governing class. In fact, the Brahmin has established not merely a working but a cordial alliance with the Bania. The result is that the governing class in India to-day is a Brahmin-Bania instead of a Brahmin-Kshatriya combine as it used to be.

Enough has been said to show who constitute the governing class in India. The next inquiry must be directed to find out how the governing class fared in the elections to the Provincial Legislatures that took place in 1937.

The elections that took place in 1937 were based on a franchise which though it was neither universal nor adult was wide enough to include classes other than the governing class, certainly wider than any existing prior to 1937. The elections based on such a franchise may well be taken as a test to find out how the governing class fared as against the servile classes in this electoral contest.

Unfortunately, no Indian publicist has as yet undertaken to compile an Indian counterpart of Dodd’s Parliamentary Manual. Consequently, it is difficult to have precise particulars regarding the caste, occupation, education and social status of members of the legislature elected on the Congress ticket. The matter is so important that I thought of collecting the

1. *A Week With Gandhi* (1943), p. 41.

necessary information on these points relating to members of the Provincial Legislatures elected in 1937. I did not succeed in getting precise information about every member. There are many whom I have had to leave as unclassified. But the information I have been able to gather is I believe sufficient to warrant our drawing certain definite conclusions.

As an answer to the question as to how the governing class fared in the electoral contest of 1937, attention may be drawn to Table 19 (see page 216) which shows the proportion of Brahmins and Banias (landlords and moneylenders) representing the governing class and non-Brahmins and the Scheduled Castes representing the servile classes, that were elected to the Provincial Legislative Assemblies on the Congress ticket.

Those, who do not know how small is the proportion of the Brahmins to the total population of Hindus, may not be able to realize the degree of over-representation which the Brahmins have secured in the election. But there is no doubt that on comparison with their numbers the Brahmins have secured overwhelming representation.

Those, who wish to know what degree of representation the propertied classes, such as Banias, businessmen and landlords obtained, may see the figures given in Table 20 (see page 217). It shows how many Banias, businessmen and landlords were elected on the Congress ticket. Here again the representation secured by the Banias, landlords and businessmen is quite out of proportion to their numbers.

Such is the position of the governing class in the legislatures constituted under the elections that took place in 1937. Some may say that on the whole the governing classes were in a minority in the legislature. As against this, it must be pointed out that the supremacy of the governing class can be measured not by its position in the legislature but by its ability to get possession of executive authority. An inquiry into the class composition of the Ministers is therefore very pertinent. Information on this point will be found in Tables 21 and 22 (see pages 218 and 219). A glance at the tables¹ is enough to show that the Brahmins—the premier governing class—succeeded in capturing an overwhelming majority of seats in

1. The facts summarized in those Tables are taken from the issue for July 15, 1939, of *Information*, an official publication issued by the Government of India.

Table 19
Classification of Congress Members of Provincial Assemblies by Castes

<i>Province</i>	<i>Brahmins</i>	<i>Non-Brahmins</i>	<i>Scheduled Castes</i>	<i>Not Stated</i>	<i>Total</i>
Assam	...	...	...	...	...
Bengal	...	...	...	...	...
Bihar	...	...	...	...	...
C.P.	...	...	...	...	...
Madras	...	...	...	...	...
Orissa	...	...	...	...	...
United Provinces	...	...	...	...	...

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Table 20
Classification of the Congress Members of the Provincial Legislatures in terms of Occupation

Province	Lawyers	Medical Practitioners	Land-lords	Business-men	Private Officials	Money Lenders	Nil	Not Stated	Total
Assam	16	2	2	1	—	—	3	9	33
Bengal	9	2	16	5	2	—	16	4	54
Bihar	14	4	56	6	3	—	1	14	98
Central Provinces	20	2	25	10	—	—	8	5	70
Madras	52	2	45	18	2	1	3	36	159
Orissa	8	1	17	4	4	1	1	—	36

Table 21
*Composition of the Cabinets in the Congress Provinces**

<i>Province</i>	<i>Total No. of Cabinet Ministers</i>	<i>Total No. of Non-Hindu Ministers</i>	<i>Hindu Ministers in the Cabinet</i>				<i>Prime Minister</i>
			<i>Total</i>	<i>Brahmins</i>	<i>Non-Brahmins</i>	<i>Scheduled Castes</i>	
Assam	8	3	5	?	?	Nil	Brahmin
Bihar	4	1	3	?	?	1	Brahmin
Bombay	7	2	5	3	2	Nil	Brahmin
Central Provinces	5	1	4	3	1	Nil	Brahmin
Madras	9	2	7	3	3	1	Brahmin
Orissa	3	Nil	3	?	?	?	Brahmin
United Provinces	6	2	4	4	Nil	Nil	Brahmin

* This table represent the position as it stood in May 1939 and as reported in the Issue of July 15, 1939, of the Indian Information. Question mark indicates inability to classify whether Brahmin or non-Brahmin.

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Table 22
*Classification of Parliamentary Secretaries in Congress Provinces**

<i>Province</i>	<i>Total No. of Parliamentary Secretaries</i>	<i>Total No. of Non-Hindu Parliamentary Secretaries</i>	<i>Hindu Parliamentary Secretaries</i>			
			<i>Total</i>	<i>Brahmins</i>	<i>Non- Brahmins</i>	<i>Scheduled Castes</i>
Assam	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>
Bihar	8	<i>Nil</i>	8	2	5	1
Bombay	6	<i>Nil</i>	6	1	5	<i>Nil</i>
Central Provinces	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>
Madras	8	1	9	3	4	1
Orissa	3	<i>Nil</i>	3	?	?	<i>Nil</i>
United Provinces	12	1	11	2	8	1

Compiled from Indian Information Issue of July 15, 1939. Question mark indicates inability to classify whether Brahmin or non-Brahmin.

the Cabinet. In all the Hindu Provinces, the Prime Ministers were Brahmins. In all Hindu provinces, if the non-Hindu ministers were excluded, the majority of ministers were Brahmins and even parliamentary secretaries were Brahmins.

What has been said so far makes two things as clear as daylight. First is that there is in India a well defined governing class, distinct and separate from the servile class. Second is that the governing class is so powerful that though small in number in the elections of 1937 it quite easily captured political power and established its supremacy over the servile classes. There remains only one more point for me to establish to be able to put my thesis across. It is to show how far Congress was responsible for the victory of the governing class in the elections of 1937. I know I must prove beyond reasonable doubt that the Congress is responsible for placing the governing class in the position of supremacy over the servile class. For it might be said that the Congress had nothing to do with this, that even if the Congress was responsible for it the result was an accident and that there was no intention on the part of the Congress to help the governing classes to win this position of supremacy.

V

The first line of these suggested defences can be easily disposed of. It is probable that those who raise this defence do not know the political colour of the province to which the figures given in Tables 19, 20, 21 and 22 relate. If they knew it they would give up this line of defence. For they relate to what are called the Congress Provinces. In these provinces the majority party was the Congress Party and the Cabinets were Congress Cabinets. Obviously, if in these Congress provinces the governing classes succeeded in establishing their rule over the servile classes it is difficult to see how the Congress could be absolved from responsibility for such a result. The Congress is a well disciplined party. It had a plan for fighting the elections. In every province there was established a Parliamentary Board, the functions of which were (1) to choose candidates for elections, (2) to decide upon the formation of Cabinets, and (3) to control the actions of ministers. Over and above these Provincial Parliamentary

Boards there was a Central Parliamentary Board to superintend and control the work of the Provincial Parliamentary Boards. It was an election which was planned and controlled by the Congress. It is therefore futile to argue that if the governing classes captured power in the elections of 1937 in the Congress Provinces the Congress is not responsible for the result.

The second line of defence is as fragile as the first. Those who wish to argue that the dominance of the governing class in the Congress provinces is accidental and not intentional should know that they are advancing an argument which will not stand. I would invite the attention of those who are inclined to treat it as an accident to consider the following circumstances.

First let them consider the mentality of the leading members of the Congress High Command who have guided the destiny of the Congress in the past and who are at present running the affairs of the Congress. It would be well to begin with Mr. Tilak. He is dead. But while he was alive he was the most leading man in the Congress and exercised the greatest sway over it. Mr. Tilak was a Brahmin and belonged to the governing class. Though he had acquired the reputation of being the father of the Swaraj movement his antipathy to the servile classes was quite well known. For want of space I will cite only one instance of his mentality towards the servile classes. In 1918, when the non-Brahmins and the Backward classes had started an agitation for separate representation in the legislature, Mr. Tilak in a public meeting held in Sholapur said that he did not understand why the oil pressers, tobacco shopkeepers, washermen, etc.—that was his description of the Non-Brahmins and the Backward classes—should want to go into the legislature. In his opinion, their business was to obey the laws and not to aspire for power to make laws.

Next after Tilak I may take Mr. Vallabhbhai Patel. Here again, I will cite only one instance to indicate his mentality. In 1942, Lord Linlithgow invited 52 important Indians representing different sections of the people to discuss the steps that might be taken to make the Central Government more popular and thereby enlist the sympathy and co-operation of all Indians in war effort. Among those that were invited were members belonging to the Scheduled Castes. Mr. Vallabhbhai Patel could not bear the idea that the Viceroy should have invited such a crowd of mean men. Soon

after the event, Mr. Vallabhbhai Patel made a speech in Ahmedabad and said¹ :—

“The Viceroy sent for the leaders of the Hindu Mahasabha, he sent for the leaders of the Muslim League and he sent for Ghanchis (oil pressers), Mochis (cobblers) and the rest.”

Although Mr. Vallabhbhai Patel in his malicious and stinging words referred only to Ghanchis and Mochis his speech indicates the general contempt in which he holds the servile classes of his country.

It may be well to know the reactions of Pandit Jawaharlal Nehru. Pandit Jawaharlal Nehru is a Brahmin, but he has the reputation of being non-communal in his outlook and secular in his beliefs. Facts do not seem to justify the reputation he carries. A person cannot be called secular if he, when his father dies, performs the religious ceremonies prescribed by orthodox Hinduism at the hands of Brahmin priests on the banks of the river Ganges as Pandit Jawaharlal did when his father died in 1931. As to his being non-communal it is stated by no less a person than Dr. Pattabhi Sitaramayya that Pandit Nehru is very conscious of the fact that he is a Brahmin.² This must come as a most astonishing fact to those who believe the Pandit to have the reputation of being the most nationally minded Hindu leader in India. But Dr. Sitaramayya must be knowing what he is talking about. More disturbing is the fact that in the United Provinces from which he hails and over which he exercises complete authority the ministers in the cabinet of the province were all Brahmins. Mrs. Vijaya Laxmi Pandit, the well-known sister of Pandit Jawaharlal Nehru, also seems to be conscious of herself being Brahmin by caste. It is said that at the All-India Women's Conference held in Delhi in December 1940, the question of not declaring one's caste in the Census Return was discussed. Mrs. Pandit disapproved³ of the idea and said that she did not see any reason why she should not be proud of her Brahmin blood and declare herself as a Brahmin at the Census.

Who are these men? What is their status? Mr. Tilak

¹ Quoted by Mr. J. E. Sanjana in *Sense and Nonsense in Politics*—Serial No. XII in the *Rast Rahabar* (a Bombay Gujarati Weekly) of 14th January 1945.

² See his Invitation p. XVI to Jawaharlal Nehru by Y. G. Krishnamurti.

³ Quoted by Sanjann in *Sense and Nonsense in Politics*—Serial No. XII in the *Rast Rahabar*, dated 14th January 1945,

has the reputation of being the father of the Swaraj movement. Mr. Patel and Pandit Nehru come next in command in the Congress hierarchy after Mr. Gandhi.

Some might think that these are the individual and private opinions of the members of the Congress High Command. But that would be an error. Several cases could be pointed out in which such opinions have been acted upon in election campaigns run by the Congress.

Ever since 1919 when Mr. Gandhi captured the Congress, Congressmen have looked upon the boycott of legislatures as one of the sanctions for making the British Government concede the demand for Swaraj. Under this policy, every time there was an election in which the Congress decided not to take part, the Congress would not only refuse to put candidates on the Congress ticket but would carry on propaganda against any Hindu proposing to stand for election as an independent candidate. One need not quarrel over the merits of such a policy. But what were the means adopted by the Congress to prevent Hindus standing on an independent ticket ? The means adopted were to make the legislatures objects of contempt. Accordingly, the Congress in various Provinces started processions carrying placards with these significant and telling words: "Who will go in the legislatures? Only barbers, cobblers, potters and sweepers." In the processions one man would utter the question as part of the slogan and the whole Congress crowd would shout as answer the second part of the slogan. When the Congressmen found that this was not enough to deter persons from standing for the elections, they decided to adopt sterner measures. Believing that respectable people would not be prepared to stand for election if they felt certain that they would have to sit with barbers, potters and sweepers, etc., in the legislatures, the Congress actually went to the extent of putting up candidates from these despised communities on the Congress ticket and got them elected. A few illustrations of this outrageous conduct of the Congress may be mentioned. In the 1920 election, the Congress elected a cobbler¹ to the legislature of the Central Provinces. In the 1930 election, they elected in the Central

¹ Fagnwa Rohidas.

Provinces two cobblers,¹ one milkman² and one barber,³ and in the Punjab one sweeper.⁴ In 1934, the Congress elected to the Central Legislature a potter.⁵ It might be said that this is old history. Let me correct such an impression by referring to what happened in 1943, in the Municipal elections in Andheri—a suburb of Bombay. The Congress put up a barber to bring the Municipality in contempt.

What a mentality for a, Governing class ! What a brazen-facedness for a governing class to use the servile class for such an ignominious purpose and yet claim to be fighting for their freedom ! What a tragedy for the servile class to take pride in its own disgrace and join in it voluntarily! The Sinn Fein Party in Ireland also boycotted the British Parliament. But did they make such hideous use of their own countrymen for effecting their purposes ? The campaign of boycott of legislature which took place in 1930 is of particular interest. The elections to the Provincial legislatures in 1930 in which these instances occurred coincided with Mr. Gandhi's Salt Satyagraha campaign of 1930; I hope that the future (the official historian, Dr. Pattabhi Sitaramayya, has failed to do so) historian of Congress while recording how Mr. Gandhi decided to serve notice on the Viceroy, Lord Irwin, presenting him with a list of demands to be conceded before a certain date and on failure by the Viceroy in this behalf, how Mr. Gandhi selected Salt Act as a target for attack, how he selected Dandi as a scene of battle, how he decided to put himself at the head of the campaign, how he marched out from his Ashram in Ahmedabad with all pomp and ceremony, how the women of Ahmedabad came out with *Arthi* and applied *tilak*'(saffron mark) to his forehead wishing him victory, how Mr. Gandhi assured them that Gujarat alone would win Swaraj for India, how Mr. Gandhi proclaimed his determination by saying that he would not return to Ahmedabad until he had won Swaraj, will not fail to record that while on the one hand Congressmen were engaged in fighting for Swaraj, which they said they wanted to win in the name of and for the masses, on the other

¹ Guru Gosain Agamdas and Babraj Jaiwar.

² Chunnu.

³ Arjun Lal.

⁴ Bansilal Caudhari.

⁵ Bhagat Chandimal Gola.

hand and in the very year they were committing the worst outrages upon the very masses by exhibiting them publicly as objects of contempt to be shunned and avoided.

VI

This mentality of the Congress High Command towards the servile classes is enough to negative the theory that the supremacy of the governing classes in the Congress Provinces was an accident. There are other facts which also go to negative the theory of accident and which are set out in Table 23 (see page 226). They relate to the educational qualifications of the several classes of candidates selected by the Congress for fighting the elections. What does the table show? It is crystal clear that in the case of the Brahmins the relative proportion of graduates to non-graduates is far higher than what it is in the case of non-Brahmins and the Scheduled Castes. Was this an accident or was this a matter of policy? This sort of selection is marked by such a state of uniformity that it could hardly be doubted that the Congress High Command in selecting a candidate had a definite policy, namely, in the case of Brahmins, to give preference to a candidate who had the highest educational qualifications and in the case of the non-Brahmins and the Scheduled Castes, to give preference to a candidate who had the lowest educational qualifications. The difference in terms of graduates and non-graduates does not really reveal the real difference between the status and position of the Brahmin candidates and non-Brahmin candidates. The Brahmin candidates were not merely graduates but they were seasoned politicians of high repute, while the non-Brahmin graduates were raw graduates with nothing but the career of second class politicians behind them.

Why did the Congress select the best educated Brahmins as its candidates for election? Why did the Congress select the least educated non-Brahmins and Scheduled Castes as its candidates for election? To this question I can see only one answer. It was to prevent the non-Brahmins—the representatives of the servile classes—from forming a ministry. It cannot be that better educated non-Brahmins were not available. What the Congress seems to have done is deliberately

Table 23
Classification of Brahmin and Non-Brahmin Congress Partymen by Literacy

<i>Provincial Assemblies</i>	<i>Castes</i>	<i>Total</i>	<i>Graduates</i>	<i>Non-Graduates</i>	<i>Matriculates</i>	<i>Illiterates</i>	<i>Not stated</i>
Assam	...	...	...	...	...	...	...
	{ Brahmin Non-Brahmin	6 21	6 15	1 2	— —	— 1	— 9
Bengal	...	...	...	...	...	...	...
	{ Brahmin Non-Brahmin	15 27	14 21	1 4	— —	— 1	— 7
Bihar	{ Scheduled Castes	6	3	—	1	2	—
	{ Brahmin	31	11	5	3	4	3
	{ Non-Brahmin	39	23	4	3	8	13
	{ Scheduled Castes	—	1	1	4	10	—
Central Province	{ Brahmin	39	15	—	2	9	2
	{ Non-Brahmin	54	15	—	2	17	1
	{ Scheduled Castes	—	1	—	—	6	—
	{ Brahmin	38	16	2	3	4	13
Madras	{ Non-Brahmin	90	31	3	1	7	61
	{ Scheduled Castes	26	1	1	1	14	—
	{ Backward Class	—	1	—	—	—	—
	{ Brahmin	11	6	1	—	3	1
Orissa	{ Non-Brahmin	20	7	3	2	7	1
	{ Scheduled Castes	5	—	—	—	5	—

to prefer an uneducated non-Brahmin to an educated non-Brahmin. And why ? Because from the point of view of the governing class, the uneducated non-Brahmin has two definite advantages over an educated non-Brahmin. In the first place, he is likely to be more grateful to the Congress High Command for having got him elected than an educated non-Brahmin is likely to be. In the second place, the uneducated non-Brahmin is less likely to join hands with the educated non-Brahmins in the Congress Party and overturn the ministry of the governing classes and form a non-Brahmin ministry. In the third place, the greater the number of raw non-Brahmins in the Congress the lesser is the possibility of the non-Brahmins in the Congress forming a competent and alternative Ministry to the detriment of the governing class.

Given these circumstances, can there be any doubt that the Congress "Fight for Freedom" is for the freedom of nobody except that of the governing class ? Is there any doubt that the Congress is the governing class and the governing class is the Congress ? Is there any doubt that when Swaraj came in 1937 in the form of Provincial autonomy, the Congress deliberately and shamelessly put the governing class in places of power and authority ?

VII

The facts set out above prove beyond cavil that the "Fight for Freedom" launched by the Congress has ended in perverting the aim and object of Indian freedom and that the Congress itself is a party to such a perversion. The result is an enormity, the character of which it would not be possible for the foreigner to realize unless he has an adequate idea of the social outlook and social philosophy of the Governing Classes in India.

Starting with the Brahmins who form a strong and powerful element in the governing class in India it is no exaggeration to say that they have been the most inveterate enemies of the servile classes, the Shudras (the old name for the non-Brahmins) and the Untouchables who together constitute about 80 or 90 per cent. of the total Hindu population of India. If the common man belonging to the servile classes in India is to-day so fallen, so degraded, so devoid of self-respect, hope or ambition, and so lifeless, it is entirely due to the Brahmins and

their philosophy. The cardinal principles of this philosophy of the Brahmins were six—to use a correct expression, techniques of suppression—(1) graded inequality between the different classes; (2) complete disarmament of the Shudras and the Untouchables; (3) complete ban on the education of the Shudras and the Untouchables; (4) total exclusion of the Shudras and the Untouchables from places of power and authority; (5) complete prohibition against the Shudras and the Untouchables acquiring property, and (6) complete subjugation and suppression of women. Inequality is the official doctrine of Brahmanism and the suppression of the lower classes aspiring to equality has been looked upon by them and carried out by them, without remorse as their bounden duty. There are countries where education did not spread beyond a few. But India is the only country where the intellectual class, namely, the Brahmins not only made education their monopoly but declared acquisition of education by the lower classes, a crime punishable by cutting off of the tongue or by the pouring of molten lead in the ear of the offender. The result is that for centuries the Brahmins have denied the servile classes the right to education. Even to-day the Brahmins exhibit the same hostility to their education. Mr. Baines, the Census Commissioner for 1891 in discussing the causes why education was not spreading among the masses said :—

“The second influence antagonistic to a more general spread of literacy is the long continued existence of a hereditary class whose object it has been to maintain their own monopoly of all book-learning as the chief buttress of their social supremacy. Sacerdotalism knows that it can reign over none but an ignorant populace. The opposition of the Brahmin to the rise of the writer castes has been already mentioned, and the repugnance of both, in the present day, to the diffusion of learning amongst the masses can only be appreciated after long experience. It is true that the recognition by the British Government of the virtue and necessity of primary education has met with some response on the part of the literate castes, but it is chiefly in the direction of academic utterances, which cannot, in the circumstances, be well avoided. It is welcome too, in its capacity of affording the means of livelihood to many of these castes, as they have to be engaged as teachers, and are bound accordingly to work up to the State standard of efficient

tuition. The real interest of the castes in question is centred on secondary education, of which they almost exclusively are in a position to reap the advantage.”

The Congress politicians complain that the British are ruling India by a wholesale disarmament of the people of India. But they forget that disarmament of the Shudras and the Untouchables was the rule of law promulgated by the Brahmins. Indeed, so strongly did the Brahmins believe in the disarmament of the Shudras and the Untouchables that when they revised the law to enable the Brahmins to arm themselves for the protection of their own privileges, they maintained the ban on the Shudras and the Untouchables as it was without lessening its rigour. If the large majority of people of India appear to-day to be thoroughly emasculated, spiritless, with no manliness, it is the result of the Brahmanic policy of wholesale disarmament to which they have been subjected for the untold ages. There is no social evil and no social wrong to which the Brahmin has not given his support. Man's inhumanity to man, such as the feeling of caste, untouchability, unapproach-ability and unseeability is a religion to him. It would, however, be a mistake to suppose that only the wrongs of man are a religion to him. The Brahmin has given his support to some of the worst wrongs that women have suffered from in any part of the world. In India widows were burnt alive as suttees and the Brahmin gave his fullest support to the practice. Widows were not allowed to remarry. The Brahmins upheld the doctrine. Girls were required to be married before 8 and the husbands were permitted to claim the right to consummate the marriage at any time thereafter whether she had reached puberty or not. The Brahmin defended the system. The record of the Brahmins as law givers for the Shudras, for the Untouchables and for women is the blackest as compared with the record of the intellectual classes in other parts of the world, For no intellectual class has prostituted its intelligence for the sole purpose of inventing a philosophy to keep his uneducated countrymen in a perpetual state of servility, ignorance and poverty as the Brahmins have done in India. Every Brahmin to-day believes in this philosophy of Brahmanism propounded by his forefathers. He is an alien element in the Hindu Society. The Brahmin '*vis-a-vis* the Shudras and the Untouchables is as foreign as the German is to the French, as the

Jew is to the Gentile or as the White is to the Negro. There is a real gulf between him and the lower classes of Shudras and Untouchables. He is not only alien to them but he is also hostile to them. In relationship with them, there is in him no room for conscience and no call for justice.

The Bania is the worst parasitic class known to history. In him the vice of money-making is unredeemed by culture or conscience. He is like an undertaker who prospers when there is an epidemic. The only difference between the undertaker and the Bania is that the undertaker does not create an epidemic while the Bania does. He does not use his money for productive purposes. He uses it to create poverty and more poverty by lending money for unproductive purposes. He lives on interest and as he is told by his religion that money-lending is the occupation prescribed to him by the divine Manu, he looks upon money-lending as both right and righteous. With the help and assistance of the Brahmin judge who is ready to decree his suits, the Bania is able to carry on his trade with the greatest ease. Interest, interest on interest, he adds on and on, and thereby draws millions of families perpetually into his net. Pay him as much as he may, the debtor is always in debt. With no conscience to check him there is no fraud, and there is no chicanery which he will not commit. His grip over the nation is complete. The whole of poor, starving, illiterate India is irredeemably mortgaged to the Bania.

In every country there is a governing class. No country is free from it. But is there anywhere in the world a governing class with such selfish, diseased and dangerous and perverse mentality, with such a hideous and infamous philosophy of life which advocates the trampling down of the servile classes to sustain the power and glory of the governing class ? I know of none. It is true that the governing classes in other countries do not readily admit into their society those who do not belong to their class. But they do not refuse admission to those who have risen to their level. Nor do they prevent any person from rising to their level. In India the governing class is a close corporation unwilling to admit anyone who does not belong to it by birth and ready to use every means to prevent the servile classes from rising to their level.

VIII

There was a governing class in France before the French Revolution. There was a governing class in Japan before the seventies of the nineteenth century when Japan decided to modernize its constitution. In both countries the governing classes realizing that it was an hour of national crisis decided to shed their ancient rights and privileges in order to make the transition from oligarchy to democracy smooth and easy.

In France, when the Revolution broke out and demanded equality the governing class in France voluntarily came forward to give up its powers and its privileges and to merge itself in the mass of the nation. This is clear from what happened when the States-General was called. The Commons got 600 representatives, while the clergy and the Nobles got 300 each. The question arose how were the 1,200 members to sit, debate and vote. The Commons insisted upon the union of all the estates in one Chamber and 'vote by head.' It was impossible to expect the clergy and the Nobles to accept this position. For it meant the surrender of their most ancient and valuable privileges. Yet a good part of them agreed to the demand of the Commons and gave France a constitution based upon liberty, equality and fraternity.

The attitude of the governing classes in Japan during the period between 1855 to 1870—a period in which the Japanese people were transformed from a feudal society into a modern nation—was even more self-sacrificing than the attitude of the governing classes in France. As students of Japanese history know, there were four classes in Japanese Society: (1) The *Damios*, (2) The *Samurai*, (3) The *Hemin* or the Common folk and (4) The *Eta* or the outcasts, standing one above the other in an order of graded inequality. At the bottom were the *Eta* numbering a good many thousands. Above the *Eta* were the *Hemin* numbering about 25/30 millions. Over them were the *Samurai* who numbered about 2 millions and who had the power of life and death over the *Hemin*. At the apex were the *Damios* or the Feudal Barons who exercised sway over the rest of the three classes and who numbered only 300. The *Damios* and the *Samurai* realized that it was impossible to transform this feudal society with its class composition and class rights into a modern nation with equality of citizenship. Accordingly the *Damios* charged with the spirit of nationalism

and anxious not to stand in the way of national unity, came forward to surrender their privileges and to merge themselves in the common mass of people. In a memorial submitted to the Emperor on the 5th March 1869 they said¹:—

“The Place where we live is the Emperor’s land. The food that we eat is grown by the Emperor’s men. How then can we claim any property as our own? We now reverently offer up our possessions and also our followers (Samurai as well as ‘common folk’) with the prayer that the Emperor will take good measures, for rewarding those to whom reward is due, and for lining such as do not deserve reward. Let imperial orders be issued for altering and remodelling the territories of the various clans. Let the civil and penal codes, the military laws down to the rules for uniform and for the construction of engines of war, all proceed from the Emperor. Let all affairs of the Empire, both great and small, be referred to him.”

How does the governing class in India compare in this behalf with the governing class in Japan? Just the opposite. Unfortunately, the history of the struggle of the servile classes in India against the governing class has not yet been written. But those who know anything about it will know that the governing class in India has no intention of making any sacrifice not even on the altar of Indian Freedom for which it is thirsting. Instead, the governing class is using every means to retain them. For this it is using two weapons. First is the weapon of nationalism. Whenever the servile classes ask for reservations in the legislatures, in the Executive and in Public Services, the governing class raises the cry of ‘nationalism in danger.’ What are these reservations for? To put it briefly they are intended to provide floorings below which the governing class will not be able to push down the servile classes in their struggle for existence. There, is nothing sinister and nothing wrong in this demand for reservations. How does the governing class react to them? It loses no occasion to deprecate them and to ridicule them. People are led to believe that if they are to achieve national freedom, they must maintain unity, that all questions regarding reservations in the Legislatures, Executives and the Public Services are inimical to national unity and that, therefore, for anyone interested in national freedom it is a sin to support those who ask for such

¹ Quoted in *Romance of Japan by Japan* by James A. B. Scherer.

reservations. That is the attitude of the governing class in India. It stands in glaring contrast with that of the governing class in Japan. It is a misuse of nationalism. But the governing class does not feel any compunction for such misuse.

The second means employed by the governing class is the writing of the lampoons and parodies calculated to pour ridicule on the demand for reservations. Such lampoons are by no means few and far between. Even the most respectable members of the governing class do not mind indulging in such compositions. Even Dr. R. P. Paranjpe, now India's High Commissioner for Australia, who stands for an advanced type of liberalism, could not withstand the temptation of trying his hand in writing such a parody.¹ Among the parodies composed by members of the governing class his was the most colourful and had, when it appeared, excited the greatest resentment among the servile classes.

The argument used by the governing classes to oppose the demand of the servile classes for reservations is based on the doctrine of efficiency. To give a patriotic look to the stand taken by the governing classes it is represented that what

¹ The parody written by Dr. R. P. Paranjpe appeared in a magazine called *Gujarathi Punch* for May 1926 under the heading "A Peep into the Future." As a specimen of this class of writing by members of the governing class it is worth perusal. It is a satire based on certain incidents which are imagined to have occurred under the principle of communal reservations. As the magazine is not easily available, I reproduce' it below with a view to rescue it from oblivion:—

'A PEEP INTO THE FUTURE'

The following extracts are taken from reports of Commissions, records of police courts oases, judicial trials. Council Proceedings, Administration Reports, etc., issued between the year 1930-50 and are published for the exclusive benefit of the readers of the *Gujarati Punch*.

I

Report of the Royal Commission on the Government of India, 1930 :

We have given our closest consideration to the representations made on behalf of several communities in India. Taking the figures of the last Census as our basis we can only give an approximate satisfaction to all the claims made before us, for it is not possible to give an absolutely accurate solution to the problem of constructing a machinery of Government unless every single person in the country is made a member thereof, as the numbers of the several communities do not possess a common measure. We lay down the number 2375 as the fundamental number in the constitution and this number is divided into parts attached to the several communities as shown in the schedule attached to our report. The claims of each community will henceforward be represented by its proper number, and all appointments, memberships of various bodies, and in fact everything in the country will be awarded according to the proportion given in the schedule wherever possible. The Viceroy's Executive Council will consist of 475 members selected as far as may be according to one-fifth the numbers belonging to each community and three members will hold

Indians must aim at is to maintain in India an efficient body politic and that this can be done only by insisting that every place of power and authority should be filled by none but the best man available. It is this argument which seems to impress the foreigner and which makes him a critic if not an adversary of the demand for reservation. It is therefore

office for one year so that each community will have attained its exact share of membership in five years. There will be 125 Judges in each High Court, each judge holding office for one year, though according to this arrangement, each section will have obtained its exact share only after the lapse of 19 years. The number of other kinds of appointments will be determined on the same basis for the accurate adjustment of all claims.

To allow for the proper functioning of all bodies with these numbers as many-existing Government buildings as may be necessary may be pulled down and rebuilt so as to be of the proper size.

II

(Notification of the Government of India, 1932)

In accordance with the provisions of the Government of India Act, 1931. His Majesty the King Emperor has been pleased to appoint the following 475 gentlemen as members of the Executive Council of the Governor-General:

267. Matadin Ramdin (caste Barber) member in charge of the Surgical Branch of the Medical Department.

372. Allabux Peerbux (Mahomedan Camel driver) in charge of the camel transport division of the Army Department.

433. Ramaswamy (caste, Andhra Sweeper) in charge of the road cleaning branch of the P.W.D.

437. Jagannath Bhattsoharya (Kulin Brahmin Priest) in charge of the domestic section of the Registration Department.

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IV

(Letter to all Local Governments, 1934)

In response to a resolution passed by the Legislative Assembly, with which the Government of India are in full agreement, I am directed to say that henceforward every appointment under Government should go by rotation to each community irrespective of the merits of the applicants.

V

(Notification in the Bombay Government Gazette, 1934)

The Government of Bombay will proceed to make the following appointments in December. The applicants for the several appointments should belong to the castes mentioned against each according to the rotation fixed by Government Order No. , dated November 30th, 1934.

1. Chief Engineer for Irrigation (Sind) : Kunbi from North Kanara.
2. Professor of Sanskrit, Elphinstone College, Bombay : Baluchi Pathan from Sind.
3. Commandant of His Excellency's Bodyguard : Marwari from North Gujarat.
4. Consulting Architect to Government: Wadari (wandering gypsy) from the Deccan.
5. Director of Islamic Culture : Karhada Brahmin.
6. Professor of Anatomy : (Grant Medical College) Mahomedan Butcher.
7. Superintendent of Yeravda Jail : Ghantichor.
8. Two organizers of prohibition : Dharala (Kairs District Bhil) (Panch Mahals).

necessary to examine the validity of the argument and the sincerity of those who use it.

Nobody will have any quarrel with the abstract principle that nothing should be done whereby the best shall be superseded by one who is only better and the better by one who is merely good and the good by one who is bad. But the argument completely fails to carry conviction when in practice one finds that having regard to the historical circumstances of India every time the 'best man' is chosen he turns out to be a man from the governing class. This may be alright from the point of view of the governing class. But can it be right from the point of view of the servile class ? Could the 'best' German be the 'best' for the French ? Could the 'best' Turk be 'best' for the Greeks ? Could the 'best' Pole be regarded

VI

(Report of a Case from the High Court, 1935)

A.B. (caste Teli) was charged with the cold-blooded murder of his father while he was asleep. The judge summing up Against the accused, the jury brought in a verdict of guilty. Before passing sentence the judge asked the pleader for the accused if he had to say anything. The pleader, Mr. Bomanji, said he agreed with the verdict but that according to Law the accused could not be sentenced at all, much less sentenced to death, as during the current year seven Telis had already been convicted and sentenced two of them with death, that several other communities had not yet reached their quota of convictions as given in the Government of India Act, while the Telis had already reached theirs. His Lordship accepted the contention of the defence pleader and acquitted the accused.

VII

(Extract from the 'Indian Daily Mail,' 1936)

Annaji Ramchandra (Chitpavan Brahmin) was found wandering in the streets of Poona with a long knife attacking whomsoever he met. When brought up before the Magistrate he was shown by the police to have been recently let off from the Mental Hospital. The Superintendent of the Hospital in his evidence said that Annaji had been in the hospital as a dangerous insane for three years, but as there was the quota for the Chitpavans and as the inmates belonging to other communities had not finished their year-quotas he could not keep him any longer and show any special favouritism to the Chitpavans and he had therefore let him off according to Government Order No. ... in the Medical Department. The Magistrate ordered Annaji to be discharged.

VIII

(Extract from the Report of the Administration of Jails in the Bombay Presidency, 1937)

In Spite of every precaution the numbers in the jails did not correspond to the quotas fixed for each community. The Superintendent had already asked for instructions from Government with a view to remedying the discrepancy.

Resolution of Government: Government view with serious displeasure this grave dereliction of duty on the part of the I. G. of prisons. Immediate steps should be taken to arrest and put in jail as many members of the various com-

'best' for the Jews? There can hardly be any doubt as to the correct answer to these questions.

In answering this question two things cannot be overlooked. One is that a great man is not necessarily a good man. The other is that man is not a mere machine without any feelings. This is even true of the 'best' man. He too is charged with the feelings of class sympathies and class antipathies. Having regard to these considerations the 'best' man from the governing class may well turn out to be the worst from the point of view of the servile classes.

Mere efficiency can never be accepted as a test. If it was accepted as the only test the result would be that the affairs of the French might well be run by the Germans, of Turks by the Russians and of Chinese by the Japanese. Those who hold out the theory of naked efficiency and nothing but efficiency as the test of good Government should ask the French, the Turks and the Chinese as to what they have to say about it and how they like the result which follows from its application.

munities as are required to bring their quotas up to the proper level. If enough persons required cannot be caught, a sufficient number of inmates should be let off to bring down all to the same level.

IX

(Proceedings of the Legislative Council, 1940)

Mr. Chennappa asked : Has the attention of Government been called to the fact that class list of the recent M.A. Examination in Pali do not show the proper quota for mang-garudis ?

The Hon. Mr. Damu Shroff (Minister of Education) : The University Registrar reports that no candidate from among Mang-garudis offered himself for examination.

Mr. Chennappa: Will Government be pleased to stop this examination until such a candidate offers himself and if the University disobeys the order of Government to take away the University grant and amend the University Act ?

The Hon. Member: Government will be pleased to consider the suggestion favourably. (Cheers).

X

(Extract from 'The Times of India,' 1942)

The Coroner Mr..... was suddenly called last evening to inquire into the death of Ramji Sonu at the J.J. Hospital as the result of a surgical operation. Dr. Tanu Pandav (caste Barber) deposed that he had conducted the operation. He wished to open an abscess in the abdomen but his knife pierced the heart and the patient expired. Asked whether he had ever carried out any operation of this nature before, he said that he was appointed as the principal surgeon to the hospital only one day before as it was then the turn of his community and that he had never held a surgical instrument in his hand before except a razor for shaving. The jury returned a verdict of death by misadventure.

Even a simpleton can imagine what answer they are likely to return. I am sure that a theory which produces such a result will be regarded as an absurd one on all hands without exceptions. How then can such a theory be applied to India where the difference between the governing class and the servile class is the same both in degree and in kind as the difference between French and Germans, Turks and Russians or Chinese and Japanese ? The fact is that the governing class in India blinded by self-interest is unmindful of the absurdity of the argument of naked efficiency and being conscious that it has the power to convert its opinion into law does not bother what the servile classes have to say on the point.

The governing class does not bother to inquire into the ways and means by which it has acquired its supremacy. It does not feel the necessity of doing so, partly because it believes that it acquired its supremacy by dint of merit and partly because it believes that no matter how it acquired its power it is enough that it is in a position to dictate its policy on the servile classes. Assuming that the governing class did not find it necessary to examine the ways and means by which it obtained its supremacy what would it find ? Strange as it may seem the governing class has obtained its power by the same system of reservations which it is now opposing on the ground of communalism. Many may find it difficult to accept the truth of this statement. Those who have any doubt need do no more than read the *Manu Smriti*, the Bible of the Hindus. What will they find in it ? They will find and will no doubt be shocked to know that the Brahmins, the chief and the leading element in the governing class, acquired their political power not by force of intellect—for intellect is nobody's monopoly—but by sheer communalism. According to the *Laws of Manu Smriti* the post of the Purohit, King's Chaplain and Lord Chancellor, the posts of the Chief Justice and Judges of the High Court and the post of Ministers to the Crown were all reserved for the Brahmins. Even for the post of the Commander-in-Chief the Brahmin was recommended as a fit and a proper person though it was not in terms reserved for him. . All the strategic posts having been reserved for the Brahmins it goes without saying that all ministerial posts came to be reserved for the Brahmins. This is not all. The Brahmin was not content with reserving places of profit and

power for his class. He knew that mere reservation will not do. He must prevent rivals shooting up from other non-Brahmin communities equally qualified to hold the posts and agitate and blow up the system of reservations. In addition to reserving all executive posts in the State for Brahmins a law was made whereby education was made the monopoly and privilege of Brahmins. As has already been pointed out the law made it a crime for the Shudra, i.e., the lower orders of Hindu Society to acquire learning, the infringement of which was followed by not only heavy but cruel and inhuman punishment such as cutting the tongue of the criminal and filling his ear with hot molten lead. It is true that these reservations do not exist under the British rule. But it must be admitted that though the reservations made by Manu have gone, the advantages derived from their continuance over several centuries have remained. In asking for reservations the servile classes are not asking for anything new or anything extraordinary. The demand for reservation is a demand for protection against the aggressive communalism of the governing class, which wants to dominate the servile class in all fields of life and without imposing on the governing class any such ignominious conditions as was done by the Brahmins for their own aggrandisement and for the perpetuation of their own domination on the Shudra, namely, to make it a crime for the governing class to learn or to acquire property.

This argument of naked efficiency has also to be considered from the point of view of public welfare. It was said by Campbell Bannerman in the course of a debate in the House of Commons on Ireland, that self-government is better than good government. The statement had become so popular in India that it had become more than a mere slogan. It had become a maxim. As it stands the statement is quite absurd. Campbell Bannerman was not contrasting self-government with good government. He was contrasting self-government with efficient government or rather with "resolute government" to use the phrase of his opponent Lord Salisbury. There is no denying that self-government must be good government, otherwise it is not worth having. The question is, how is good government to be had. Some people seem to be under the impression that as self-government is a sovereign government it is bound to result in good government. This is one of the greatest delusions from which most people in dependent

countries are suffering. Those who are living in such a delusion had better read what Prof. Dicey has to say on this point. Discussing the question what persons and bodies with full sovereign powers can do Dicey has the following observations to make :—

“The actual exercise of authority by any sovereign whatever and notably by Parliament, is bounded or controlled by two limitations. Of these the one is an external, the other is an internal limitation.

“The external limit to the real power of a sovereign consists in the possibility or certainty that his subjects or a large number of them, will disobey or resist his laws.

“This limitation exists even under the most despotic monarchies. A Roman Emperor, or a French King during the middle of the eighteenth century, was (as is the Russian Czar at the present day) in strictness a ‘sovereign’ in the legal sense of that term. He had absolute legislative authority. Any law made by him was binding, and there was no power in the empire or kingdom which could annul such law . . . But it would be an error to suppose that the most absolute ruler who ever existed could in reality make or change every law at his pleasure . . .

“The authority, that is to say, even of a despot, depends upon the readiness of his subjects or of some portion of his subjects to obey his behests; and this readiness to obey must always be in reality limited. This is shown by the most notorious facts of history. None of the early Caesars could at their pleasure have subverted the worship of fundamental institutions of the Roman world . . . The Sultan could not abolish Mahomedanism. Louis the Fourteenth at the height of his power could revoke the Edict of Nantes, but he would have found it impossible to establish the supremacy of Protestantism, and for the same reason which prevented James the Second from establishing the supremacy of Roman Catholicism . . . What is true of the power of a despot or of the authority of a constituent assembly is specially true of the sovereignty of Parliament ; it is limited on every side by the possibility of popular resistance. Parliament might legally tax the Colonies ; Parliament might without any breach of law change the succession to the throne or abolish the monarchy ; but everyone knows that in the present state of the world the British Parliament will do none of these things. In each case widespread resistance would result from legislation which.

though legally valid, is in fact beyond the stretch of Parliamentary power.

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“There is an internal limit to the exercise of sovereign power itself. Even a despot exercises his powers in accordance with his character, which is itself moulded by the circumstances under which he lives, including under that head the moral feelings of the time and the society to which he belongs. The Sultan could not if he would, change the religion of the Mahommedan world, but if he could do so it is in the very highest degree improbable that the head of Mahommedanism should wish to overthrow the religion of Mahomet; the internal check on the exercise of the Sultan’s power is at least as strong as the external limitation. People sometimes ask the idle question why the Pope does not introduce this or that reform? The true answer is that a revolutionist is not the kind of man who becomes a Pope and that the man who becomes a Pope has no wish to be a revolutionist . . . ”

I have already pointed out that it is not enough for the servile classes to be content with the mere fact that their country has become an independent and a sovereign state. It is necessary for them to go further and to find out who are likely to be the instruments of the State, in other words who is going to be the governing class. Dicey’s observations and the profound truth which underlies them no one can question—add a further point namely that for good government, ability and efficiency of the governing class are not enough. What is necessary is to have in the governing class the will to do good or to use Dicey’s language, freedom from internal limitations arising out of selfish class interests. Efficiency combined with selfish class interests instead of producing good government is far more likely to become a mere engine of suppression of the servile classes.

In selecting the instrumentalities of the State considerations of class bias in the instrumentalities cannot be overlooked. It is in fact fundamental to good government. It is unfortunate that the importance of this fact is not generally recognized even by those who regard themselves as the champions of democracy. Karl Marx was the first to recognize it and take account of it in the administration of the Paris Commune. It is unnecessary to say that it is to-day the basis of Government in Soviet Russia. The demand for reservations put forth by the servile classes in India is essentially based upon the same considerations

pointed out by Dicey, advocated by Marx and adopted by Russia. Only those who belong to the servile class can be trusted to protect the interest of that class. This consideration is so important that the principle of efficiency cannot be allowed to altogether override it. If the governing class in India stands on the principle of efficiency and efficiency alone it is because it is actuated by the selfish motive of monopolizing the instrumentalities of Government.

IX

The foregoing discussion has extended over such length that the foreigner is likely to miss the points which it is intended to bring out. It may therefore be well to assemble them together with a view to underline them.

The main problems, which those desirous of establishing democracy in India must face, are:—(1) the position of the governing class of India, (2) the aims and objects of the governing class towards the servile classes, (3) the *raison d'être* of the demands of the servile classes for constitutional safeguards and (4) the relation of the governing class to the Congress.

Regarding the first point the argument is that the position of the governing class in India is quite different from the position of the governing classes in other countries of the world. It is not easy to understand this difference, nor is it easy to state it in expressive terms. Perhaps the illustration of a bar and a hyphen may help to give a clear idea of what the difference is. Nobody can mistake the difference between a hyphen and a bar. A bar divides but does not link. A hyphen does both. It divides but it also links. In India the governing classes and the servile classes are divided by a bar. In other countries there exists between them only a hyphen. The resultant difference is a very crucial one. In other countries, there is a continuous replenishment of the governing class by the incorporation of others who do not belong to it but who have reached the same elevation as the governing class. In India, the governing class is a close corporation in which nobody, not born in it, is admitted. In other countries where the governing class is not a close preserve, where there is social endosmosis between it and the rest, there is a mental assimilation and accommodation

which makes the governing class less antagonistic in its composition and less antagonistic to the servile classes in its social philosophy. In other words, the governing class in countries outside India is not anti-social. It is only non-social. In India where the governing class is a close corporation, tradition, social philosophy and social outlook which are antagonistic to the servile classes remain unbroken in their depth and their tenor and the distinction between masters and slaves, between the privileged and the unprivileged continues for ever hard in substance and fast in colour. In other words the governing class in India is not merely non-social. It is positively anti-social.

As to the demand for reservations by the servile classes the reason behind it is to put a limit on the power of the governing classes to have control over the instrumentalities of government. The governing classes are bent on giving the reservations a bad name in order to be able to hang those who are insisting upon them. The real fact is that the reservations are only another name for what the Americans call checks and balances which every constitution must have, if democracy is not to be overwhelmed by the enemies of democracy. That the reservations demanded by the servile classes are different in form from the American sort of checks and balances does not alter their character. The forms of checks and balances must be determined by two considerations. The first is the necessity of establishing a correlation between the political constitution and social institutions of the country if democracy is to be real. As the social institutions of countries differ in their form the checks and balances in its political constitutions must also differ. For instance, where a country is ridden by the caste system the checks and balances will have to be of a different sort from what they need be in a country pervaded by a spirit of social democracy. The second is the necessity of providing a firm flooring to the servile classes against the possibility of their being pressed down by the governing classes by reason of their superior power. In some countries adult suffrage may be quite enough for the servile classes to hold their own against the governing classes. In India unlike other countries the governing class is so omnipotent and omnipresent that other remedies besides adult suffrage will be necessary to give adequate power to the servile classes to protect themselves against exploitation by the governing classes. Looked at in the

light of these observations, the reservations demanded by the servile classes, though different in form from the checks and balances embodied in the American Constitution, are fundamentally checks and balances, and must be considered as such by the foreigner before he forms an adverse opinion against them.

The facts bearing on the last point namely the relation of the Congress to the governing classes have also been fully set out. From these facts the foreigner should be able to see how intimate is the connection between the two. The same facts will explain why the governing class in India has placed itself in the vanguard of the Congress movement and why it strives to bring everybody within the Congress fold. To put it briefly the governing class is aware that a political campaign based on class ideology and class conflicts will toll its death knell. It knows that the most effective way of side-tracking the servile classes and fooling them is to play upon the sentiment of nationalism and national unity. It clings to the Congress because it realizes that the Congress platform is the only platform that can most effectively safeguard the interest of the governing class. For if there is any platform from which all talk of conflict between rich and poor, Brahmin and non-Brahmin, landlord and tenant, creditor and debtor, which does not suit the governing class, can be effectually banned, it is the Congress platform which is not only bound to preach nationalism and national unity,—this is what the governing class wants, as it is on this that its safety entirely depends—but which prohibits any other ideology inconsistent with nationalism being preached from its platform.

If the foreigner bears in mind these points he will realize why the servile classes of India are not attracted by the Congress brand of Swaraj. What good can the Congress brand of Swaraj bring to them ? They know that under the Congress brand of Swaraj the prospect for them is really very bleak. The Congress brand of Swaraj will either be materialization of what is called Gandhism or it will be what the governing class would want to make of it. If it is the former it will mean the spread of charkha, village industries, the observance of caste, Bramhcharya (continence), reverence for the cow and things of that sort. If it is left to governing classes to make what it likes of Swaraj the principal item in it will be the suppression of the servile classes by withdrawing the facilities given by the

British Government in the matter of education and entry in public services.

Some people hope that under Swaraj there will be a reform of tenancy laws, factory legislation, compulsory primary education, prohibition and construction of roads and canals, improvement of currency, regulation of weights and measures, dispensaries and introduction of other measures for the servile classes. I am not quite sure that these hopes are well-founded. Most people forget that what leads the Congress to-day to mouth such a programme is the desire to show that the Congress is better than the British bureaucracy. But once the bureaucracy is liquidated, will there be the same incentive to better the lot of the masses ? That is the question. Firstly, I entertain very grave doubts as to how far this will materialize. Secondly, there is nothing very great in it. In the world of to-day, no governing class can omit to undertake reforms, which are necessary to maintain society in a civilized state. Apart from this, is social amelioration the be-all and end-all of Swaraj ? Knowing the servile classes as I do that is certainly not the fault of the servile classes. They certainly do not intend to follow the teaching that 'the meek shall eat and be satisfied.' The want and poverty which has been their lot for centuries is nothing to them as compared to the insult and indignity which they have to bear as a result of the vicious social order. Not bread but honour, is what they want, That can happen only when the governing classes disappear and cease to have control over their destiny. The question for the servile classes is not whether this reform or that reform will be undertaken. The question is: Will the governing classes in India having captured the machinery of the State, undertake a programme for the reform of the social order whereby the governing class will be liquidated, as distinguished from a programme of social amelioration ? The answer to this depends upon whether the future constitution of India will be with safeguards or without safeguards for the protection of the servile classes. If it will have safeguards it will be possible for the servile classes to liquidate the governing classes in course of time. If the constitution is without safeguards the governing class will continue to maintain its dominance over the servile classes. This being the issue, the foreigner should note that the much-advertised representative character of the Congress is absolutely irrelevant. The Congress may be a

representative body and the Congress may be the body which is engaged in what is called the Fight for Freedom ; but these things have nothing to do with the decision of the issue. A true lover of democracy before he befriends the Congress will demand that it should produce its blue print of the constitution and be satisfied that its constitution does contain unequivocal and positive provisions for the safety, security for the life, liberty and the pursuit of happiness for the servile classes.

X

The foreigners who take interest in Indian politics fall into two classes. The first class includes those who are travellers and tourists who come 'to do' India for a short while and who are not equipped with a knowledge of the intricacies of the Indian Political problems, the theoretical apparatus to pronounce a correct opinion on the attitude of the different parties to these problems. Those who fall into the second class are the leaders of democratic public opinion such as Louis Fischer in America, Kingsley Martin, Brailsford and Laski whose knowledge and equipment none can question. I would have had no regrets if the foregoing discussion had been called for by the needs of correcting the unthinking bias of the tourists and traveller class of foreigners in favour of the Congress. But unfortunately the same sort of bias is also to be found in those foreigners who fall into the second class.

That there should be foreigners of the tourist sort who cannot understand the intricacies of Indian politics and who therefore support the Congress on no other ground except that which Mr. Pickwick gave to Sam Weller—to shout with the biggest crowd—is quite understandable. But what annoys most is the attitude of the leaders of the British Labour Party, heads of radical and leftist groups in Europe and America, represented by men like Laski, Kingsley Martin, Brailsford and editors of journals like the *Nation* in America, and the *New Statesman* in England championing the cause of the oppressed and the suppressed people in other parts of the world. How can these men support the Congress it is difficult to understand. Do they not know that the Congress means the governing class and that the governing class in India is a Brahmin-Bania combine ? That masses are drawn in the Congress only to be camp followers with no say in the making of Congress policy ?

Do they not realize that for the reasons for which the Sultan could not abolish Islam or the Pope could not repudiate Catholicism, the governing class in India will not decree the destruction of Brahmanism and that so long as the governing class remains what it is, Brahmanism, which preaches the supremacy of Brahmins and the allied castes and which recognises the suppression and degradation of the Shudras and the Untouchables as the sacred duty of the State, will continue to be the philosophy of the State even if India became free ? Do they not know that this governing class in India is not a part of the Indian people, is not only completely isolated from them, but believes in isolating itself, lest it should be contaminated by them, has implanted in its mind by reason of the Brahmanic philosophy, motives and interests which are hostile to those who are outside its fold and therefore does not sympathise with the living forces operating in the servile masses whom it has trodden down, is not charged with their wants, their pains, their cravings, their desires, is inimical to their aspirations, does not favour any advance in their education, promotion to high office and disfavours every movement calculated to raise their dignity and their self-respect? Do they not know that in the Swaraj of India is involved the fate of 60 millions of Untouchables ?

It would be impossible to say that the leaders of the British Labour Party, that Kingsley Martin, Brailsford and Laski whose writings on liberty and democracy are a source of inspiration to all suppressed people, do not know these facts. Yet if they refer to India, it is always to support the Congress. It is very, very seldom that they are found to discuss the problem of the Untouchables which ought to make the strongest appeal to all radicals and democrats. Their exclusive attention to Congress activities and their utter neglect of other elements in the national life of India show how misguided they have been. One could well understand their support to the Congress if the Congress was fighting for political democracy. But is it ? As every one knows, the Congress is only fighting for national liberty and is not interested in political democracy. The party in India who is fighting for political democracy is the party of the Untouchables who fear that this Congress fight for liberty, if it succeeds, will mean liberty to the strong and the powerful to suppress the weak and the down-trodden unless they are

protected by constitutional safeguards. It is they who ought to receive the help of these radical leaders. But the Untouchables have been waiting in vain for all these years even for a gesture of goodwill and support from them. These radicals and leftists in Europe and America have not even cared to know the forces behind the Congress.

Ignorant or unmindful one does not know, but the fact remains that these leftists and radical leaders have been giving blind and unquestioning support to the Congress which admittedly is run by capitalists, landlords, money-lenders and reactionaries, only because the Congress calls its activities by the grandiloquent name of "Fight for Freedom." All battles for freedom are not on equal moral plane for the simple reason that the motives and purposes behind these battles of freedom are not always the same. To take only a few illustrations from English History. The Barons' Rebellion against John which resulted in the *Magna Charta* could be called a battle for freedom. But could any democrat in modern times give it the same support which he would give—say to the Levellers' Rebellion or to the Peasants' Revolt in English History, merely because it could logically be described as a battle for freedom? To do so will be to respond to a false cry of freedom. Such crude conduct would have been forgivable, had it proceeded from groups not intelligent enough to make a distinction between freedom to live and freedom to oppress. But it is quite inexcusable in radical and leftist groups led by Messrs. Laski, Kingsley Martin, Brailsford, Louis Fischer and other well-known champions of democracy.

When pressed to explain why they don't support Indian Parties which stand for true democracy, they are reported to meet the charge by a counter question. Are there any such parties in India? Insist that there are such parties and they turn round and say: If such parties exist, how is it the Press does not report their activities? When told that the Press is a Congress Press, they retort: How is it that the foreign correspondents of the English Papers do not report them? I have shown why nothing better can be expected from these foreign correspondents. The Foreign Press Agency in India is not better than the Indian Press. Indeed it cannot be better. There are in India what are called foreign correspondents. In a large majority of cases they are Indians. Only a very few are foreigners. The selection of Indians as foreign

correspondents is so made that they are almost always from the Congress camp. The foreign correspondents who are foreigners fall into two groups. If they are Americans they are just Anti-British and for that reason pro-Congress. Any political party in India which is not madly anti-British does not interest them. Those who are not in the Congress will testify how hard it was for them to persuade the American War Correspondents who trooped into this country in 1941-42, even to entertain the possibility of the Congress not being the only party, much less to induce them to interest themselves in other political parties. It took a long time before they recovered their sanity and when they did, they either abused the Congress as an organization led by impossible men or just lost interest in Indian politics. They never got interested in other political parties in India and never cared to understand their point of view. The situation is no better in the case of foreign correspondents who are Britishers. They too are interested only in that kind of politics which is first and foremost anti-British. They are uninterested in those political parties in India whose foremost concern is to make a free India safe for democracy. The result is that the foreign press provides the same kind of news about Indian politics as does the Indian Press.

These reasons cannot be beyond the ken of these radicals. Correspondents or no correspondents, is it not the duty of radicals to keep in touch with their kindred in other parts of the world to encourage them, to help them and to see that true democracy lives everywhere? It is a most unfortunate thing that the Radicals of England and America should have forgotten the class to whom they owe a duty to help and have become the publicity agents of Indian Tories who are just misusing the slogan of liberty to befool and befog the world.

The sooner they get out of this fog created by the Congress and realize that democracy and self-government in India cannot be real unless freedom has become the assured possession of all, the better for them and the better for the people of India. But if they persist in giving their blind support to the Congress on the basis of an empty slogan without examining its relation to facts and intentions, I for one will have no hesitation in saying that far from being the friends of India they are a positive menace to the freedom of the Indian masses. It is a pity that they do not seem to distinguish the case of a tyrant

who is held down and who pleads for liberty because he wants to regain his right to oppress and the case of an oppressed class seeking to be free from the oppression of the tyrant. In their hurry to bring freedom to India they have no time to realize that by siding with the Congress what they are doing is not to make India safe for democracy but to free the tyrant to practise his tyrannies. Is it necessary to tell them that to support Congress is to let tyranny have freedom to enslave ? It is to save their own reputation as the champions of the Oppressed and suppressed classes that they should reconsider their attitude towards the Congress.

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**COMMUNAL DEADLOCK
AND
A WAY TO SOLVE IT**

*Address delivered at the Session
of
the All India Scheduled Castes Federation
held in
Bombay on May 6, 1945*

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COMMUNAL DEADLOCK AND A WAY TO SOLVE IT

Mr. President,

I am indeed very grateful for your kind invitation to address the Annual Session of the All-India Scheduled Castes Federation. I am happy to see this great gathering of the Scheduled Castes. Having regard to the very short time which has elapsed since its establishment, the growth of the Federation appears by all evidence to be phenomenal. That the Scheduled Castes all over India have rallied round the Federation and are determined to make the Federation their only representative organization is beyond question. The growth of the Federation within so short a time will not be fully appreciated unless the tremendous difficulties in the way of our organization have been fully appreciated. There are agents of other political organizations which decoy our people by false blandishments, by false promises and by false propaganda. There is the ignorance of our own people, who do not know the critical nature of the times we are living in and who do not know the value of organization for achieving our political objects. There is a lamentable lack of resources at our command. We have no money. We have no press. The cruelest of tyrannies and oppressions, to which our people are subjected, day in and day out all over India, are never reported by the Press. Even our views on social and political questions are systematically suppressed by an organized conspiracy on the part of the Press. We have no funds to maintain a machinery, to render help to our people and to educate, agitate and organize them.

These are the odds we have to contend against. That the Federation, notwithstanding these difficulties, should have grown to this dimension is entirely due to our men who have been ceaselessly and unselfishly devoting themselves to the building up of this organization. I am sure you would like me to pay Mr. Ganpat Mahadev Jadhav, the President of the Bombay City Scheduled Castes Federation, our tribute for the work he has done. As everyone knows, he possesses remarkable degree of organizing capacity and I am sure the success of this Session is due to a great extent to his efforts and to those who have been his co-workers.

Ordinarily, at a gathering such as this I would have spoken—and our people would expect me to speak—on any one of the social and political problems of the Scheduled Castes. But I do not propose to engage myself in a discourse on so sectarian a subject. Instead, I propose to speak on a topic, which is general and has a wider appeal, namely the shape and form of the future Constitution of India.

It may be as well for me to explain the reasons for my decision. For the moment, the responsibility for leading the movement of the Scheduled Castes and facing its day-to-day problems does not lie on my shoulders. On account of my office I am out of it and I have no desire to take it up. That is one reason why I do not propose to take up a sectarian subject which is related only to the Scheduled Castes.

The Scheduled Castes are often charged as being selfish, interested only in themselves ; that they have no constructive suggestions to make for the solution of the country's political problem. The charge is entirely untrue ; and if it is true, the Untouchables will not be the only ones who will be found guilty of it. Most people in India do not make constructive suggestions. The reason is not that there are not people capable of constructive thought. The reason why all constructive thought remains bottled up is because a long and continuous propaganda has inculcated upon the minds of the generality of the people that nothing should be respected and nothing should be accepted unless it emanates from the Congress. It is this which has killed all constructive thought in this country. At the same time, I believe this charge against the Scheduled Castes should be repelled in a positive way by showing that the Scheduled Castes are capable of putting forth constructive proposals for the general political advancement of the country which the country, if it cares to, may consider. This is the second reason why I have on this occasion chosen this subject of general interest.

II

RESPONSIBILITY FOR FRAMING THE CONSTITUTION

Before I set out in concrete terms the constitutional proposals I have in mind, I wish to raise two preliminary issues. First is : Who should frame a Constitution for India ? It is necessary to raise this question because there are quite a lot of people in India who are hoping, if not asking, the British Government to resolve the deadlock and to frame a Constitution for India. I think there is a gross fallacy in such a view which needs to be exposed. A Constitution, framed by the British Government and imposed upon Indians, sufficed in the past. But if the nature of the future Constitution Indians are clamouring for, is borne in mind it will be clear that an imposed Constitution will not do.

The difference between the past Constitutions and the future Constitution of India is fundamental, and those, who still rely on the British for framing

a Constitution for India, do not seem to have realized this difference. The difference lies in this that the past Constitutions contained a breakdown clause. But the future Constitution of India cannot contain such a breakdown clause. People in India decry the breakdown clause—by now the notorious section 93 of the Government of India Act, 1935. That is because they do not know the why and the how of its place in the Act. Its importance will become apparent if two important considerations governing the political life of a community are borne in mind. First of these considerations is that Law and Order is the medicine of the body politic, and when the body politic goes sick this medicine must be administered. Indeed, so important is this consideration that failure to administer it must be deemed to be a crime against society and civilization. The second consideration is that though it is true that no government has a vested right to govern, it is equally true that there must always be a government to govern—which I mean maintain Law and Order—until it is displaced by a better government. The breakdown clause serves these two purposes. As such, it is of the highest value for the peace and tranquillity of the people. It is the one and only means which can save the country from anarchy. For, when Constitutional Government fails, the breakdown clause has at least the merit of maintaining Government.

In the past this distinction between Constitutional Government and Government with the provision for Government stepping in when Constitutional Government failed, was a feasible proposition. It was feasible because while the British Government gave Indians the right to a Constitutional Government, it kept to itself the right to govern, should Constitutional Government fail. In the future Constitution of India, it would not be possible to maintain this distinction. It would not be possible for the British Government to give the Indians the right to Constitutional Government and also to keep to itself the right to govern in case there was a breakdown in the Constitutional Government. The reason is quite obvious. The past Constitutions of India did not treat India as a Dominion. The future Constitution will proceed on the assumption that India will be a Dominion. The breakdown clause or the possibility of Government stepping in, when Constitutional Government has failed, can be reconciled in the case of a country, which has no Dominion Status. But the two are irreconcilable in the case of a Dominion. In the case of a Dominion or for the matter of that in the case of any free country, there is either a Constitutional Government or a Rebellion.

What does this mean ? It means that it is impossible to frame a Constitution for an Indian Dominion with a possibility of a breakdown. To put the same thing in a different language the Constitution must be so made that it will not only command the obedience but also the respect of all ; and all or if not all, at any rate, all important elements in the national life of India shall be prepared to uphold it and to give it their support. This can happen only

if the Constitution is framed by Indians for Indians and with the voluntary consent of Indians. If the Constitution is imposed by the British Government and is not accepted by one section and is opposed by another, there will arise in the country an element, hostile to the Constitution, and which will devote its energies not to working the Constitution but to breaking it. The anti-Constitution party may look upon destroying the Constitution as its only duty and may engage itself in "pronouncing" against a party working the Constitution in the real Latin American fashion.

It is useless for the British to frame a Constitution for India which they will not remain to enforce. The same result will ensue if the Constitution is imposed by one powerful section or a combination of such sections on other sections. I am, therefore, firmly of opinion that if Indians want Dominion Status, they cannot escape the responsibility of framing their own Constitution. The position is thus inescapable.

III

CONSTITUENT ASSEMBLY

The second question that I wish to raise is : Should there be a Constituent Assembly, charged with the function of making a Constitution ? Constituent Assembly is on the lips of everybody. The Congress parties in their resolutions, passed before the Congress ministries resigned, demanded that the Constitution for India should be made by a Constituent Assembly composed of Indians. A Constituent Assembly was included in the Cripps proposals. The Sapru Committee has followed suit.

I must state that I am wholly opposed to the proposals of a Constituent Assembly. It is absolutely superfluous. I regard it as a most dangerous project, which may involve this country in a Civil War. In the first place, I do not see why a Constituent Assembly is at all necessary. Indians are not in the same position as the Fathers of the American Constitution were, when they framed the Constitution of the United States. They had to evolve ideas, suitable for the constitution for a free people. They had no constitutional patterns before them to draw upon. This cannot however be the case for Indians. Constitutional ideas and constitutional forms are ready at hand. Again, room for variety is very small. There are not more than two or three constitutional patterns to choose from. Thirdly, there are hardly any big and purely constitutional questions about which there can be said to be much dispute among Indians. It is agreed that the future Indian Constitution should be Federal. It is also more or less settled what subjects should go to the Centre and what to the Provinces. There is no quarrel over the division of Revenues between the Centre and the Provinces, none on Franchise and none on the relation of the Judiciary to the Legislature and the Executive. The only point of dispute, which is outstanding, centres round the question of the residuary powers—whether they should be with the Centre or with the Provinces. But that is hardly a matter worth

bothering about Indeed, the provision contained in the present Government of India Act could be adopted as the best compromise.

Having regard to this I cannot see why a Constituent Assembly is necessary to incubate a constitution. So much of the Constitution of India has already been written out in the Government of India Act, 1935, that it seems to be an act of supererogation to appoint a Constituent Assembly to do the thing ever again. All that is necessary is to delete those sections of the Government of India Act, 1935, which are inconsistent with Dominion Status.

The only function which could be left to a Constituent Assembly is to find a solution of the Communal Problem. I am quite positive that whatever be the terms of reference of the Constituent Assembly, the Communal Question should not form a part of them. Consider the composition of the Constituent Assembly as suggested by the Sapru Committee. The total membership is fixed at 160. The election is by joint electorates by members of the Provincial Legislative Assemblies under a system of proportional representation and the decision is to be by three-fourths of the members present and voting. Can a minority accept this Constituent Assembly as a safe body, in the impartiality of which it can place implicit confidence? The answer to this question must depend upon what answers one can give to two other questions: Does it guarantee that the representatives of a minority elected to the Assembly will be its true representatives? Secondly, does it guarantee that the decision of the Assembly with regard to the claims of any particular minority will not in fact be an imposition on the minority? On neither of these two questions can I confidently say that a minority need have no cause for fear.

Before taking up these questions, let me point out what differences there are between the Cripps Constituent Assembly and the Sapru Constituent Assembly. They may be stated as follows:

- (i) The total number for the Constituent Assembly fixed by the Sapru Committee is 160. Sir Stafford Cripps had not fixed any number. But the provision contained in his proposal that the Constituent Assembly shall consist of ten per cent of the total number of members of the Provincial Legislatures virtually fixed the number to about 158—a difference of only 2.
- (ii) The method of election to the Constituent Assembly by the Sapru Committee is by joint electorate under the system of proportional representation. In this there is no difference between the Cripps plan and the Sapru plan for the composition of the Constituent Assembly.
- (iii) Under the Cripps plan, there was no communal reservation. The Sapru plan departs from the Cripps plan in this respect, in as much as it reserves seats for particular communities in prescribed

proportions. This difference is only normal. For, though the Cripps plan did not in terms fix the number, the scheme of proportional representation would have in fact resulted in such reservation. The difference in the quota of representation under the two schemes will be seen from the following table :

Communities and Interests				Quota of seats in the Constituent Assembly	
				Under Cripps'	Under Sapru's
Hindus	..	..	..	77	51
Muslims	..	..	..	50	51
Scheduled Castes		..	..	15	20
Sikhs	..	..	..	3	8
Indian Christians		..	..	2	7
Anglo-Indians		..	..	1	2
Europeans	..	..	..	6	1
Aboriginal Tribes		..	..	2	3
Special Interests		..	..	....	16
Others	..	..	..	2	1
				158	160

The Sapru Committee has not only fixed the numbers for each Community in the composition of the Constituent Assembly but it has offered the Muslims equality with the Hindus. For this departure the Committee's plea is that in consideration for this offer it has demanded joint electorate as a basis for election to the Constituent Assembly. In this, the Committee must be said to have entirely misunderstood the Cripps proposals. Joint-Electorates were already provided for in the Cripps proposals one clause of which reads—"The members of the Lower Houses of the Provincial Legislatures are to form a single Electoral College". This is simply another way of saying that the election shall be by joint-electorate. It has given something for nothing to one element and thereby put the other Communities in a hazard.

- (iv) Under the Cripps proposal the decision of the Assembly was to be by majority of those present and voting, Under the Sapru proposal the decision is to be by a majority of 3/4th of those present and voting.

Now to revert to the two questions. How does the position stands with regard to the first question ? To give one's opinion on it, it is first necessary

to know the communal distribution of the membership of the Provincial Legislative Assemblies. The following table sums up the position :

Distribution of Seats by Communities in the Provincial Legislative Assemblies*

Communities		General	Women	University	Trade Unions	Com- merce	Land lords	Total
1		2	3	4	5	6	7	8
1. Hindus	..	651	26	7	33	31	22	770
2. Muslims	..	482	10	1	5	6	13	517
3. Scheduled Castes.		151	..	..	..	..	..	151
4. Indian Christians.		20	1	..	..	..	..	21
5. Anglo-Indians	..	11	1	..	..	..	..	12
6. Sikhs	..	34	1	..	..	..	1	36
7. Europeans	..	26	..	..	..	19	1	46
8. Aboriginals	..	24	..	..	..	..	..	24
Total	..	1,399	39	8	38	56	37	1,577

Has the communal reservation made by the Sapru proposal, and which is not to be found in the Cripps proposal, any value? That depends upon how far one community will be able to influence the election of the members of the other communities? What are the prospects in this regard? Let me give another table :

Voting strength in relation to seats

Communities		Voters for Constituent Assembly	Quota of seats in the Constituent Assembly	Number of votes required for electing the quota	(+)Excess of voters over (-)Deficiency of voters below requirement
1. Hindus	..	778	51	561	+ 217
2. Muslims	..	561	51	517	+ 44
3. Scheduled Castes	..	151	20	220	- 69
4. Indian Christians	..	21	7	77	- 56
5. Sikhs	..	36	8	88	- 52
6. Europeans	..	46	1	11	+ 35

From this table the following conclusions emerge :

- (i) Taking the total votes to be 1577 and the total number to be elected 160, the quota under the proportional system of representation would roughly come to $10 + 1 = 11$.

*The distribution of seats for (1) Universities; (2) Trade Unions, (3) Commerce and (4) Landlords among the communities does not stand for an exact figure. It is based on guess as to how they may be divided among the communities having regard to the relative position.

- (ii) Taking 11 as the quota, the Hindus will have 217, the Muslims 44 and the Europeans 35 votes to spare, while the Scheduled Castes will be short by 69, the Indian Christians by 56 and the Sikhs by 52 votes.

To put the same thing in a different way :

- (i) The Hindus with their excess of 217 votes can elect 20 non-Hindus, who would be dependent upon them ; the Muslims with their excess of 44 votes can elect 4 non-Muslims, who would be dependent upon them and the Europeans with their excess of 35 votes would be able to elect 3 non-Europeans, who would be dependent upon them.
- (ii) The Scheduled Castes with a shortage of 69 votes will be able to elect only 13 members on the stock of their own votes and for 7 seats they will have to depend upon Hindu, Muslim or European voters. The Indian Christians with a shortage of 56 votes will be able to elect only 2 seats on the stock of their own voters. For the rest of the 5 seats they will have to depend upon Hindu, Muslim or European voters. Similarly the Sikhs with a shortage of 52 will be able to elect only 3 seats on the stock of their own voters. For the rest of the 5 seats they will have to depend upon Hindu, Muslim or European voters

Such is the position. It is evident that the excess representation granted to the smaller minorities is only an eye-wash. Their representation is made so dependent that in no sense can it be called a real representation.

Let me now take the second question. Is the rule of decision adopted by the Sapru Committee for the Constituent Assembly a safe rule ? The Cripps proposal had adopted the rule of bare majority. This was an absurd proposition which no sensible man could have proposed. I know of no case where questions relating to the constitution were left to be decided by a simple majority.

The Cripps proposals sought to excuse the adoption of the majority rule on the ground that there was to be a further provision for safeguarding the interest of the minorities. The provision was to take the form of a Treaty between the British Crown and the Indian Constituent Assembly, before Parliament was to relinquish its sovereignty and make India free. The proposal of a Treaty would have had some sense, if the Treaty was to override the constitution. But the proposal was impossible as under the Cripps scheme India was free to become a Dominion or an Independent country as she pleased. For once India became a Dominion it would *ipso facto* acquire all the legal power necessary to pass an enactment declaring that the Treaty shall not override the constitution. In that case the Treaty would have been no better than a calendar which members of the minorities might, if they wished, hang on the walls of their houses. This

was exactly what happened to the Irish Treaty. The Irish Treaty continued to override the Irish Constitution so long as Ireland was not a Dominion. But the moment Ireland became a Dominion the overriding power of the Treaty was taken away by a short and simple enactment of the Parliament of the Irish Free State and the British Parliament did nothing, for it knew that Ireland was a Dominion and therefore it could do nothing. How so absurd a provision came to be put forth by so eminent a person to assure the minorities, I am unable to understand.

The provisions contained in the Sapru proposals appear to be an improvement. But are they really an improvement? I am sure they are not. A three-fourths majority of 160 means that a view to prevail must have the support of 120 members. Before accepting this as an improvement, one has to have some idea as to how this group of 120 is likely to be formed. If the Hindus and the Muslims combine they will together make up 102 and will need only 18 more to make up 120. Most of the special seats and a few more from others may easily fall into the hands of this combine. If this happens the decision of the Assembly will obviously be an imposition upon the Scheduled Castes, the Sikhs, the Indian Christians etc. Similarly, if the Muslims are isolated the decision will not be a joint decision but an imposition upon the Muslims by non-Muslims. These possibilities of permutation and combination for the purpose of check-mating or out-manoeuvring of some communities by others, I am sorry to say, have not been taken into consideration by the Sapru Committee. There would have been some safety, if the Sapru Committee had provided that the three-fourths majority shall at least include 50 per cent of each element.

Following upon the procedure adopted in the making of the constitution of the United States, the Sapru Committee could have added a further provision for the ratification at any rate of the communal part of the decision of the Assembly by the representatives of the minorities outside the Assembly. None of these provisions finds a place in the plan of the Constituent Assembly as designed by the Sapru Committee. Consequently the Constituent Assembly has become a snare.

There are many other arguments against the plan of a Constituent Assembly. I may mention one, which I confess has influenced me greatly. When I read the history of the Union between Scotland and England, I was shocked at the corruption and bribery that was practised to win the consent of the Scottish Parliament. The whole of the Scottish Parliament was bought. The chances of corruption and bribery being used in the Indian Constituent Assembly to buy over members to support decisions desired by interested groups are very real. Their effects, I am sure, cannot be overlooked. If this happens, it will not only make mockery of the Constituent Assembly but I feel quite certain that any attempt made to enforce its decisions will result in a civil war. It is my considered opinion that the proposal of Constituent Assembly is more dangerous than profitable and should not be entertained.

IV

NECESSITY OF A NEW APPROACH

I shall be asked that if the Constituent Assembly is not the correct approach, what is the alternative? I know I shall be confronted with such a question. But I am confident in my view that if the Communal Question has become difficult of solution it is not because it is insoluble, nor because we had not yet employed the machinery of Constituent Assembly. It has become insoluble because the approach to it is fundamentally wrong. The defect in the present approach is that it proceeds by methods instead of by principles. The principle is that there is no principle. There is only a series of methods. If one method fails another is tried. It is this swing from one method to another which has made the Communal Problem a jig-saw puzzle. There being no principle there is no guide to tell why a particular method has failed. There being no principle there is no assurance that the new method will succeed.

The attempts at the solution of the Communal Problem are either in the nature of a coward's plan to cow tow to the bully or of bully's plan to dictate to the weak. Whenever a community grows powerful and demands certain political advantages, concessions are made to it to win its goodwill. There is no judicial examination of its claim; no judgement on merits. The result is that there are no limits to demands and there are no limits to concessions. A start is made with a demand for separate electorate for a minority. It is granted. It is followed by a demand for a separate electorate for a community irrespective of the fact whether it is a minority or majority. That is granted. A demand is made for separate representation on a population basis. That is conceded. Next, a claim is made for weightage in representation. That is granted. It is followed by a demand for statutory majority over other minorities with the right for the majority to retain separate electorates. This is granted. This is followed by a demand that the majority rule of another community is intolerable, and therefore without prejudice to its rights to maintain majority rule over other minorities, the majority of the offending community should be reduced to equality. Nothing can be more absurd than this policy of eternal appeasement, it is a policy of limitless demand followed by endless appeasement.

Frankly, I don't blame the community that indulges in this strategy. It indulges in it because it has found that it pays, it pursues it because there are no principles to fix the limits and it believes that more could be legitimately asked and would be easily given. On the other hand, there is a community economically poor, socially degraded, educationally backward and which is exploited, oppressed and tyrannized without shame and without remorse, disowned by society, unowned by Government and which has no security for protection and no guarantee for justice, fair play and equal opportunity. Such a community is told that it can have no safeguards, not

because it has no case for safeguards but only because the bully on whom the bill of rights is presented thinks that because the community is not politically organized to have sanctions behind its demand he can successfully bluff.

All this differential treatment is due to the fact, that there are no principles, which are accepted as authoritative and binding on those who are parties to the Communal Question. The absence of principles has another deleterious effect. It has made impossible for public opinion to play its part. The public only knows methods and notes that one method has failed another is being suggested. It does not know why one method has failed and why another is said to be likely to succeed. The result is that the public, instead of being mobilized to force obstinate and recalcitrant parties to see sense and reason, are only witnessing the discussions of Communal Questions whenever they take place is mere shows.

The approach I am making for the solution of the Communal Problem is therefore based upon two considerations :

- (1) That in proceeding to solve the Communal Problem it is essential to define the governing principles which should be invoked for determining the final solution, and
- (2) That whatever the governing principles they must be applied to all parties equally without fear or favour.

V

PROPOSALS FOR SOLUTION OF THE COMMUNAL PROBLEM

Having made my position clear on certain preliminary points, I will now proceed to deal with the subject.

The Communal Problem raises three questions :

- (A) The question of representation in the Legislature ;
- (B) The question of representation in the Executive; and
- (C) The question of representation in the Services.

A. REPRESENTATION IN PUBLIC SERVICES

To take the last question first. This can hardly be said to be a subject of controversy. The principle that all communities should be represented in the Public Services in a prescribed proportion and no single community should be allowed to have a monopoly has been accepted by the Government of India. This principle has been embodied in the Government of India Resolutions of 1934 and 1943 and rules to carry it out have been laid down. It has even prescribed that any appointment made contrary to the rules shall be deemed to be null and void. All that is necessary is to convert administrative practice into statutory obligation. This can be done by adding a Schedule to the Government of India Act, which will include the provisions contained in these Resolutions and similar provisions for the different provinces and make the Schedule a part of the Law of the Constitution.

B. REPRESENTATION IN THE EXECUTIVE

This question raises three points :

- (i) The quantum of representation in the Executive;
- (ii) The nature of the Executive ;
- (iii) The method of filling the places in the Executive.

(i) *Quantum of Representation*

For the solution of this question, the principle which should be adopted is that the representation of the Hindus, the Muslims and the Scheduled Castes should be equal to the quantum of their representation in the Legislature.

With regard to the other minorities such as the Sikhs, Indian Christians and Anglo-Indians, it is difficult to give them representation in the Executive in strict proportion to their representation in the Legislature. This difficulty arises largely from the smallness of their numbers. If they are to get representation in the Executive in exact proportion to their numbers, the Executive would have to be enlarged to a fantastic degree. All that can be done, therefore, is to reserve a seat or two for them in the Cabinet for their representation and to establish a convention that they will get a fair portion of representation in the corps of Parliamentary Secretaries that will have to be raised, when the new Constitution comes into existence.

(ii) *Nature of the Executive*

In the Constitution of the Executive, I would propose the adoption of following principles :

- (1) It must be recognised that in a country like India where there is a perpetual antipathy between the majority and the minorities and on which account the danger of communal discrimination by majority against minorities forms an ever-present menace to the minorities, the executive power assumes far greater importance than the legislative power.
- (2) In view of (1) above, the system under which a party which has secured a majority at the poll is deemed entitled to form a Government on the presumption that it has the confidence of the majority is untenable in Indian conditions. The majority in India is a communal majority and not a political majority. That being the difference, the presumption that arises in England cannot be regarded as a valid presumption in the conditions of India.
- (3) The Executive should cease to be a Committee of the majority party in the Legislature. It should be so constituted that it will have its mandate not only from the majority but also from the minorities in the Legislature.
- (4) The Executive should be non-Parliamentary in the sense that it shall not be removeable before the term of the Legislature.
- (5) The Executive should be Parliamentary in the sense that the members of the Executive shall be chosen from the members of the

Legislature and shall have the right to sit in the House, speak, vote and answer questions.

(iii) *Method of Filling Places*

In this connection, I would propose the adoption of the following principles :

- (a) The Prime Minister as the executive head of the Government should have the confidence of the whole House.
- (b) The person representating a particular minority in the Cabinet should have the confidence of the members of his community in the Legislature.
- (c) A member of the Cabinet shall not be liable to be removed except on ; impeachment by the House on the ground of corruption or treason.

Following those principles, my proposal is that the Prime Minister and the members of the Cabinet from the majority community should be elected by the whole House by a single transferable vote and that the representatives of the different Minorities in the Cabinet should be elected by a single transferable vote of the members of each minority community in the Legislature.

C. REPRESENTATION IN THE LEGISLATURE

This is the most difficult question. All other questions depend upon the solution of this question. It raises two points :

- (i) The quantum of representation; and
- (ii) The nature of the electorate.

(i) *Quantum of Representation*

I would first put forth my proposals and then explain the principles on which they are based. The proposals are worked out in the following tables, which show the scale of representation for the different communities in British India in the Central Legislature as well as in the Provincial Legislature :

Proposed Ratio of Representation in the Legislatures

N.B.—The percentages of population in the following Tables differ from the census figures as they have been taken after deducting the population of Aboriginal Tribes :

1. CENTRAL ASSEMBLY

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	54.68	40
Muslims	..	..	..	28.50	32
Scheduled Castes	..	..	..	14.30	20
Indian Christians	..	..	..	1.16	3
Sikhs	..	..	..	1.49	4
Anglo-Indians	..	..	..	0.05	1

2. BOMBAY

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	76.42	40
Muslims	..	..	..	9.98	28
Scheduled Castes	..	..	..	9.64	28
Indian Christians	..	..	..	1.75	2
Anglo-Indians	..	..	..	0.07	1
Parsees	..	..	..	0.44	1

3. MADRAS

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	71.20	40
Scheduled Castes	..	..	..	16.53	30
Muslims	..	..	..	7.98	24
Indian Christians	..	..	..	4.10	5
Anglo-Indians	..	..	..	0.06	1

4. BENGAL

Community				Percentage of population to total	Percentage of Representation
Muslims	..	..	..	56.50	40
Hindus	..	..	..	30.03	33
Scheduled Castes	..	..	..	12.63	25
Indian Christians	..	..	..	0.19	1
Anglo-Indians	..	..	..	0.05	1

5. UNITED PROVINCES

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	62.29	40
Scheduled Castes	..	..	..	21.40	29
Muslims	..	..	..	15.30	29
Indian Christians	..	..	..	0.24	1
Anglo-Indians	..	..	..	0.03	1

6. PUNJAB

Community				Percentage of population to total	Percentage of Representation
Muslims	..	..	..	57.06	40
Hindus	..	..	..	22.17	28
Sikhs	..	..	..	13.22	21
Scheduled Castes	..	..	..	4.39	9
Indian Christians	..	..	..	1.71	2

7. C.P. & BERAR

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	72.20	40
Scheduled Castes	..	..	..	20.23	34
Muslims	..	..	..	5.70	25
Indian Christians	..	..	..	0.36	1

8. BIHAR

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	70.76	40
Muslims	..	..	..	15.05	30
Scheduled Castes	..	..	..	13.80	28
Indian Christians	..	..	..	1.71	2

9. ASSAM

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	45.60	40
Muslims	..	..	..	44.59	39
Scheduled Castes	..	..	..	8.76	19
Indian Christians	..	..	..	0.48	2

10. ORISSA

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	70.80	40
Scheduled Castes	..	..	..	17.66	36
Muslims	..	..	..	2.07	22
Indian Christians	..	..	..	0.37	2

11. SIND

Community				Percentage of population to total	Percentage of Representation
Hindus	..	..	..	23.08	40
Muslims	..	..	..	71.30	40
Scheduled Castes	..	..	..	4.26	19
Indian Christians	..	..	..	0.29	1

VI

EFFECT ON MINORITIES

It may be desirable to set out in a tabular form the changes in the representation of the different minorities as prescribed in the Government of India Act, 1935, and as laid down in the proposals—

EFFECT ON MUSLIMS

Legislature			Population Ratio	Ratio of Representation	
				Under the Government of India Act, 1935	Under the proposed scheme
Central	..	..	28.50	32.00	32
Madras	..	..	8.00	13.49	24
Bombay	..	..	10.00	17.40	28
U.P.	..	..	15.30	28.95	29
C.P.	..	..	5.70	12.50	25
Bihar	..	..	15.00	26.32	28
Assam	..	..	44.60	31.48	38
Orissa	..	..	2.00	6.66	22

EFFECT ON SCHEDULED CASTES

Legislature			Population Ratio	Ratio of Representation	
				Under the Government of India Act, 1935	Under the proposed scheme
Central	..	..	14.30	7.60	20
Madras	..	..	16.50	13.90	30
Bombay	..	..	9.60	8.50	28
Bengal	..	..	12.60	12.00	25
U.P.	..	..	21.40	8.70	29
Punjab	..	..	4.40	4.50	9
C.P.	..	..	20.20	17.80	34
Bihar	..	..	13.80	9.80	28
Assam	..	..	8.70	6.50	20
Orissa	..	..	17.60	10.00	36
Sind	..	..	4.20	Nil.	19

EFFECT ON INDIAN CHRISTIANS

Legislature			Population Ratio	Ratio of Representation	
				Under the Government of India Act, 1935	Under the proposed scheme
Central	..	..	1.16	3.00	3
Madras	..	..	4.10	4.20	5
Bombay	..	..	1.70	1.70	2
Bengal	..	..	0.19	0.80	1
U.P.	..	..	0.24	0.90	1
Punjab	..	..	1.70	1.14	2
C.P.	..	..	0.35	Nil	1
Bihar	..	..	1.70	0.66	2
Assam	..	..	0.48	0.90	2
Orissa	..	..	0.37	0.16	2
Sind	..	..	0.29	Nil	1

EFFECT ON SIKHS

Legislature			Population Ratio	Ratio of Representation	
				Under the Government of India Act, 1935	Under the proposed scheme
Centre	..	..	1.50	2.40	4
Punjab	..	..	13.20	18.29	21

EFFECT ON HINDUS

Legislature			Population Ratio	Ratio of Representation	
				Under the Government of India Act, 1935	Under the proposed scheme
Bengal			30.00	20.00	33
Punjab			22.10	20.00	28
Sind			23.80	31.60	40

VII

PRINCIPLES UNDERLYING THE PROPOSALS

I may now proceed to state the principles on which this distribution has been made. They are :

- (1) Majority Rule is untenable in theory and unjustifiable in practice. A majority community may be conceded a relative majority of representation but it can never claim an absolute majority.*

*I have not framed any scheme of representation for the North-West Frontier province as the minority is so small that even the Principle of relative majority cannot help it.

- (2) The relative majority of representation given to a majority community in the legislature should not be so large as to enable the majority to establish its rule with the help of the smallest minorities.
- (3) The distribution of seats should be so made that a combination of the majority and one of the major minorities should not give the combine such a majority as to make them impervious to the interest of the minorities.
- (4) The distribution should be so made that if all the minorities combine they could, without depending on the majority, form a government of their own.
- (5) The weightage taken from the majority should be distributed among the minorities in inverse proportion to their social standing, economic position and educational condition so that a minority which is large and which has a better social, educational and economic standing gets a lesser amount of weightage than a minority whose numbers are less and whose educational, economic and social position is inferior to that of the others.

If I may say so, the representation is a balanced representation. No one community is placed in a position to dominate others by reason of its numbers. The Muslim objection to the Hindu majority and the Hindu and Sikh objections to the Muslim majority are completely eliminated, both in the Central as well as in the Provinces.

VIII

NATURE OF THE ELECTORATE

With regard to the question of electorates the following propositions should be accepted :

- (1) Joint electorate or separate electorate is a matter of machinery for achieving a given purpose. It is not a matter of principle.
- (2) The purpose is to enable a minority to select candidates to the Legislature who will be real and not nominal representatives of the minority.
- (3) While separate electorate gives an absolute guarantee to the minority, that its representatives will be no others except those who enjoy its confidence, a system of joint electorates which will give equal protection to the minorities should not be overlooked.
- (4) A Four-member constituency, with a right to the minorities to have a double vote and requiring a minimum percentage of minority votes, may be considered as a possible substitute.

IX

MATTERS NOT COVERED

(i) QUESTION OF SPECIAL SAFEGUARDS

There are other demands made on behalf of particular minorities such as :

- (1) Provision of a Statutory Officer to report on the condition of minorities.
- (2) Statutory provision of State aid for education, and
- (3) Statutory provision for land settlement. But they are not of a communal character, I do not therefore wish to enlarge upon them here.

(ii) ABORIGINAL TRIBES

It will be obvious that my proposals do not cover the Aboriginal Tribes although they are larger in number than the Sikhs, Anglo Indians, Indian Christians and Parsees. I may state the reasons why I have omitted them from my scheme. The Aboriginal Tribes have not as yet developed any political sense to make the best use of their political opportunities and they may easily become mere instruments in the hands either of a majority or a minority and thereby disturb the balance without doing any good to themselves. In the present stage of their development it seems to me that the proper thing to do for these backward communities is to establish a Statutory Commission to administer what are now called the 'excluded areas' on the same basis as was done in the case of the South African Constitution. Every Province in which these excluded areas are situated should be compelled to make an annual contribution of a prescribed amount for the administration of these areas.

(iii) INDIAN STATES

It will also be noticed that my proposals do not include the Indian States. I am not opposed to the inclusion of the Indian States, provided the terms and conditions of inclusion are such—

- (1) that the dichotomy of divided sovereignty between British India and Indian States is completely done away with,
- (2) that the judicial and political boundaries which separate British India from Indian States will disappear, that there will be no such entities as British India or Indian States and in their place there will be only one entity namely India, and
- (3) that the terms and conditions of inclusion do not prevent India from having full and plenary powers of a Dominion. I have worked out a scheme for the fusion of the Indian States and British India, which will permit the realization of these objects. I do not wish to overburden this address with the details of the plan. For the moment, it is better if British India marches to her goal without complicating its progress by an entanglement with the Indian States.

X

PAKISTAN IN THE LIGHT OF PROPOSALS

My proposals are for an United India. They are made in the hope that the Muslims will accept them in preference to Pakistan as providing better security than Pakistan does. I am not against Pakistan, I believe it is founded on principle of self-determination, which it is now too late to question. I am prepared to give them the benefit of the principle, on condition that the Muslims do not deny the benefit of the principles to the Non-Muslim residents of the Area. But I believe, I am entitled to draw the attention of the Muslims to another and a better plan of security. I claim that my plan is better than the plan of Pakistan. Let me state the points which tell in favour of my plan. They are :

- (i) Under my proposal the danger of a communal majority, which is the basis of Pakistan is removed,
- (ii) Under my proposal the weightage at present enjoyed by the Muslims is not disturbed.
- (iii) The position of Muslims in the Non-Pakistan Provinces is greatly strengthened by an increase in their representation, which they may not get if Pakistan comes and which will leave them in a more helpless condition than they are in at present.

XI

A WORD TO HINDUS

Much of the difficulty over the Communal Question is due to the insistence of the Hindus that the rule of majority is sacrosanct and that it must be maintained at all costs. The Hindu does not seem to be aware of the fact that there is another rule, which is also operative in fields where important disputes between individual and nations arise and that rule is a rule of unanimity. If he will take the trouble to examine the position he will realise that such a rule is not a fiction, but it does exist. Let him take the Jury System. In the jury trial the principle is unanimity. The decision is binding upon the judge only if the verdict of the jury is unanimous. Let him take another illustration that of the League of Nations. What was the rule for decisions in the League of Nations ? The rule was a rule of unanimity. It is obvious that if the principle of unanimity was accepted by the Hindus as a rule of decision in the Legislature and in the Executive there would be no such thing as a Communal Problem in India.

One may well ask the Hindu that if he is not prepared to concede constitutional safeguards to the minorities, is he prepared to agree to the rule of unanimity ? Unfortunately he is not prepared to accept either.

About the rule of majority the Hindu is not prepared to admit any limitations. The majority he wants is an absolute majority. He will not be satisfied with relative majority. He should consider whether his insistence on absolute majority is fair proposition, which political philosophers can accept. He is not aware that even the constitution of the United States does

not lend support to the absolutistic rule of majority rule on which the Hindu has been insisting upon.

Let me illustrate the point from the constitution of the United States. Take the clause embodying Fundamental Rights. What does that clause mean? It means that, matters included in Fundamental Rights are of such supreme concern that a mere majority rule is not enough to interfere with them. Take another illustration also from the Constitution of the United States. The Constitution says that no part of the Constitution shall be altered unless the proposition is carried by three-fourths majority and ratified by the States. What does this show? It shows that the United States Constitution recognizes for certain purposes mere majority rule is not competent.

All these cases are of course familiar to many a Hindu. The pity of it is, he does not read from them the correct lesson. If he did, he would realize that the rule of the majority rule is not as sacrosanct a principle as he thinks it is. The majority rule is not accepted as a principle but is tolerated as a rule. I might also state why it is tolerated. It is tolerated for two reasons; (1) because the majority is always a political majority and (2) because the decision of a political majority accepts and absorbs so much of the point of view of the minority that the minority does not care to rebel against the decision.

In India, the majority is not a political majority. In India the majority is born; it is not made. That is the difference between a communal majority and a political majority. A political majority is not a fixed or a permanent majority. It is a majority which is always made, unmade and remade. A communal majority is a permanent majority fixed in its attitude. One can destroy it, but one cannot transform it. If there is so much objection to a political majority, how very fatal must be the objection to a communal majority?

It may be open to the Hindus to ask Mr. Jinnah, why in 1930 when he formulated his fourteen points he insisted upon the principle of majority rule to such an extent that one of the fourteen points stipulated that in granting weightage, limits should be placed whereby a majority shall not be reduced to a minority or equality. It may be open to the Hindus to ask Mr. Jinnah, if he is in favour of a Muslim majority in Muslim Provinces, why he is opposed to a Hindu Majority in the Centre? The Hindu must however realize that these posers may lead to the conclusion, that Mr. Jinnah's position is inconsistent. They cannot lead to the affirmation of the principle of majority rule.

The abandonment of the principle of majority rule in politics cannot affect the Hindus very much in other walks of life. As an element in social life they will remain a majority. They will have the monopoly of trade and business which they enjoy. They will have the monopoly of the property which they

have. My proposals do not ask the Hindus to accept the principle of unanimity. My proposals do not ask the Hindus to abandon the principle of majority rule. All I am asking them is to be satisfied with a relative majority. Is it too much for them to concede this ?

Without marking any such sacrifice the Hindu majority is not justified in representing to the outside world that the minorities are holding up India's Freedom. This false propaganda will not pay. For the minorities are doing nothing of the kind. They are prepared to accept freedom and the dangers in which they likely to be involved; provided they granted satisfactory safeguards. This gesture of the minorities is not to be treated as a matter for which Hindus need not be grateful. It may well be contrasted with what happened in Ireland. Mr. Redmond, the leader of the Irish Nationalists once told Carson, the leader of Ulster; "Consent to United Ireland, Ask for any safeguard and they shall be granted to you". He is reported to have turned round and said : "Damn your safeguards ; we don't want to be ruled by you". The minorities in India have not said that. They are ready to be satisfied with safeguards. I ask the Hindus Is this not worth a mass ? I am sure it is.

XII

CONCLUSION

These are some of the proposals I have had in mind for the solution of the Communal Problem. They do not commit the All-India Scheduled Castes Federation. They do not even commit me. In putting them forth, I am doing nothing more than exploring a new way. My emphasis is more on the principle, I have enunciated, than on the actual proposals. If the principles are accepted then I am sure the solution of the Communal Question will not be as baffling as it has been in the past.

The problem of solving the Indian deadlock is not easy. I remember reading a historian describing the condition of Germany before the Confederation of 1867 as one of ' Divinely Ordained Confusion'. Whether that was true of Germany or not, it seems to me that they form a very accurate description of the present conditions of India. Germany did get out of this confusion, if not at one stroke at least by successive stages until just before the war she became a unified people, unified in mind, unified in outlook and unified by belief in a common destiny. India has not so far succeeded in evolving order out of her confusion. It is not that she had no opportunities to do so. In fact, there have been quite a number. The first opportunity came in 1927, when Lord Birkenhead gave a challenge to Indians asking them to produce a constitution for India. That challenge was taken up. A committee was formed to frame a constitution. A constitution was produced and was known as '*The Nehru Constitution*'. It was, however, not accepted by Indians and was buried without remorse. A second opportunity presented itself to *Indians in 1930*, when they assembled at the Round Table Conference. There again, Indians failed to play their part and write out their own

Constitution. A third attempt is the one recently made by the Sapru Committee. The proposals of this committee too have fallen flat.

There is neither enthusiasm nor optimism left to indulge in another attempt. One is persued by a sense of fatality, which suggests that as every attempt is doomed to failure, none need be made. At the same time I feel that no Indian ought to be so down hearted or so callous as to let the deadlock stink, as though it was a dead dog, and say that he is prepared to do nothing more than be a mere witness to the political dog-fight that is going on in this country. The failures of the past need not daunt any body. They do not daunt me. For, I have a feeling that though it is true that all attempts to reach an agreement on the communal question have failed, the failure have been due not so much to any inherent fault of the Indians as they have been due to a wrong approach. I feel confident that my proposals, if considered dispassionately, should be found acceptable. They constitute a new approach and as such I commend them to my countrymen.

Before I conclude, I must, however, warn my critics that they may be able to amend my proposals in some respects; but it will not be easy to reject them. If they do reject them, the first thing they shall have to do is to controvert the principles on which they are based.

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