

**PART II**

**Dr. Ambedkar  
with the  
Simon Commission  
(Indian Statutory Commission)**



# A

## REPORT ON THE CONSTITUTION OF THE GOVERNMENT OF BOMBAY PRESIDENCY

### PREFACE

I regret that I have not been able to agree in the tenor of the report prepared by my colleagues on the committee or to accept the more important of the conclusions on the matters falling within the scope of our inquiry. I have therefore submitted this separate report containing my own views and recommendations. The bulk of my report has exceeded that of my colleagues. It might perhaps have been possible, by including in my report nothing more than formal answers to the questions raised to limit its bulk. But I felt there was a question to which an answer could be given without some general explanation of the principles on which the answer was based or also the report could not be properly understood. I have therefore set aside all considerations of brevity which would have exposed me to the criticism that the recommendations in the report were not supported by a sufficient amount of reasons and arguments and have allowed the report to grow to the size it has reached.

## SECTION I

# REDISTRIBUTION OF THE AREA OF THE PROVINCE

1. The area of the Bombay Presidency which extends over 1,223,541 square miles may be divided into four distinct linguistic divisions: (1) Maharashtra, (2) Gujarat, (3) Karnatak and (4) Sindh. The people of these divisions have been associated together under one administration for a long period. Gujarat, Maharashtra and Karnatak have been parts of the Bombay Presidency for last 110 years, while Sindh was joined to the Presidency 85 years ago. From this Confederacy, Karnatak and Sindh are now demanding that they be separated from the Presidency. The argument urged in favour of separation states that the Province does not represent a natural unit that not only it does not meet the test of unity of race or language but that it is actually built up by a deliberate fragmentation of homogeneous groups and their amalgamation with other heterogeneous groups. This, it is said, is an evil. For it is urged that the fragmentation involves a smothering of their distinctive cultures, while their amalgamation with other bigger groups makes them politically helpless.

2. In the case of Karnatak this argument has no doubt some force. That Karnatak has been dismembered into various small parts which have been linked up with other non-Karnatak areas for administrative purposes thereby causing a severance is true. Nor can it be gainsaid that the part united with the Presidency of Bombay has politically suffered by being under-represented in the Bombay Legislative Council. Notwithstanding all this, I am opposed to the separation of Karnatak from the Bombay Presidency. The principle of one language one province is too large to be given effect to in practice. The number of provinces that will have to be carved out if the principle is to be carried to its logical conclusion shows in my opinion its unworkability. Nor can it be made workable by confining it to cases "where the language is a distinct cultural language with a past and a future" and "where there exists a strong linguistic consciousness." For the simple reason that every language which has a past if given an opportunity will have a future and every linguistic group of people if they are vested with the powers of government will acquire linguistic consciousness. I am aware that this may involve the sacrifice of Kanarese culture although I am not sure that that would be an inevitable consequence of the continuance of the present arrangement. But even if

that be the consequence I do not think it is a matter for regret. *For, I am of opinion that the most vital need of the day is to create among the mass of the people the sense of a common nationality the feeling not that they are Indians first and Hindus, Mohamedans or Sindhis and Kanarese afterwards but that they are Indians first and Indians last.* If that be the ideal then it follows that nothing should be done which will harden local patriotism and group consciousness. The present heterogeneous character of the province has this much in its favour that it provides a common cycle of participation for a polyglot people which must go a great deal to prevent the growth of this separatist feeling. I think that an arrangement which results in such an advantage should be conserved. I am therefore opposed to the demand of Karnatak for separation.

3. My colleagues have summarily dismissed the claim of Karnatic for separation on the ground that no witness appeared before the conference to support the same. I do not regret it in view of the fact that I and my colleagues agree in our recommendation regarding it. But it is a surprise to me that my colleagues should have in the case of Sindh come to a different conclusion. For I think that as compared to Karnatak, Sindh has no case. There can be no two opinions regarding the fact that Sindh has gained substantially by its incorporation in the Bombay Presidency. Having been separated by long distance, Sindh instead of being made a subordinate member of the household has been accorded the superior status of a neighbour associated with on the most honourable terms. In so far as her affairs have been administered by a Commissioner who is next to the Governor, Sindh must be said to have preserved the dignity of her independence. She has been allowed to retain her ancient and customary code of laws. Seldom has she been subjected to any new law passed for the Presidency proper unless the same was deemed to be specially conducive to her benefit. Her tribunals are entirely independent of the tribunals of the Presidency. Her public service is virtually separate from the Presidency Public Service and is manned by her own people. Her being linked to the Presidency cannot be said to have worked to her financial detriment. On the contrary she has been able to ride on the broad shoulders of the Presidency at a speed which would have been beyond her own capacity. It is her incorporation which has enabled her to draw so largely upon the great resources of this Presidency. Nor can Sindh be said to have failed to secure the consideration and attention from the Government which is due to it. Indeed since the introduction of the Reforms, Sindh has exercised an influence on the Government of Bombay out of all proportion to its magnitude. Given these facts it is difficult to understand what more is to be gained by separation when Sindh has all the advantages of separation without the disadvantages of incorporation.

4. It is also evident that all the communities of Sindh have not joined in making this demand. The evidence such as was placed before the joint Conference of the Commission and the Committee disclosed a sharp

cleavage between the Moslems and the Hindus of Sindh, the former favouring separation and the latter arraying themselves in opposition to it. On an examination of the history of Sindh public opinion regarding this question I find that the politically minded people of Sindh as a body took up the question of the status of Sindh only in 1917. After the announcement of August, 1917, the Sindhis held a Special Conference in November, 1917, to consider the place of Sindh in the coming Scheme of reforms. The Honourable Mr. G. M. Bhurgri, the leading Mohamedan citizen of Sindh, was the Chairman of the Reception Committee, while the President of the Conference was a Hindu gentleman, Mr. Harchandrai Vishindas. The Conference had before it four alternatives, namely : (1) Formation of Sindh as a separate Province, (2) Sindh and Baluchistan to form one province, (3) Sindh to go with the Punjab and (4) Sindh to remain with Bombay. It is noteworthy that this Special Conference turned down three of these four alternatives including the proposal to form Sindh into a separate province. Not only did the Conference reject the proposal of a separate province but in its resolution supported by Hindus and Mohamedans urged for a closer incorporation between Sindh and the Presidency by reducing the position of the Commissioner of Sindh to that of the Divisional Commissioner in the Presidency. The deputation consisting of Hindus and Muslims which waited upon the Secretary of State, Mr. Montague, and the Viceroy, Lord Reading, was, it is said, emphatic in its declaration that Sindh did not wish to be a separate Province. The same attitude towards this question was uniformly maintained by members of both the communities at subsequent sessions of the Conference which met in 1918, 1919 and 1920. Since 1920 the question has not been considered by the Conference owing to its being swayed by the movement of non co-operation. From this survey it is clear that it is the Mohamedans who have changed front and it is they who have departed from an agreed point of view and that the demand far from being a united demand is a sectional demand originating from the Mohamedan Community only.

5. Before any sympathy can be shown to such a sectional demand, one must be satisfied that the purpose for which separation is sought is a proper one. Now although, the Mohamedan deputation which put forth this demand and the Hindu deputation which opposed it, both did their best not to reveal the real object of the demand and the real objection to its fulfilment. All the same those who knew the reality, must have felt that the contending factions had not placed all their cards on the table. But this purpose must be made clear so that it may be considered on its own merits and I propose to do so to the best of my information. On the 20th of March 1927, there were put forth what are known as the "Delhi Muslim Proposals," by prominent members of the Muslim Community as the terms for an *entente cordiale* between Hindus and Muslims. According to these proposals it was demanded (1) that Sindh should be made into a separate Province, (2) that the North-West Frontier Province should be treated on

the same footing as other provinces and (3) that in the Punjab and Bengal the proportion of Muslim representation should be in accordance with their population. A glance at the above proposals is sufficient to indicate that the object of the scheme is to carve out as many Provinces with a Mohamedan majority as possible out of the existing arrangement. At present Punjab and Bengal are two Provinces with a bare Muslim majority. The proposals by demanding that in those provinces representation should be proportionate to population seeks to make the communal majority of the Muslims a political majority so that a Mohamedan Government will be assured in those provinces. Baluchistan and N. W. F. Province have an overwhelming Muslim majority. But they are as yet out of the pale of responsible Government with the result that the Mohamedan majority is not a ruling majority. The aim of the proposals is to rectify this anomaly so that they will make four Provinces with a Muslim majority with sure chances of forming a Muslim Government. The demand for the formation of Sindh which is predominantly Muslim in numbers into a separate Province is to add a fifth to the list of Muslim provinces contemplated by the scheme. Now what is the purpose behind the formation of these Mohamedan Provinces? In the eyes of the Mohamedans themselves it has the same purpose as communal electorates. For the authors of the scheme say that they are prepared to give up communal electorates and agree to joint electorates in all provincial legislatures and in the Central Legislature provided their proposal of Mohamedan Provinces was agreed to. By parity of reasoning it follows that the object of carving out Mohamedan Provinces is to protect the Muslim minorities; since that was the object of communal electorates. The scheme on the surface does not show how the creation of Muslim provinces is going to protect the Muslim minorities against Hindu majorities in Provinces in which the Hindus predominate. Indeed the scheme seems to weaken the position of the Muslim minorities by taking away the protection they receive or believed to receive from communal electorates. But if we probe into it we can see that the scheme is neither so innocent nor so bootless as it appears on the surface. At bottom it is an ingenious contrivance for the protection of Muslim minorities. For if the Hindu majority tyrannized the Muslim minority in the Hindu Provinces the scheme provides a remedy whereby the Mohamedan majorities get a field to tyrannize the Hindu minorities in the five Mohamedan Provinces. It is a system of protection by counterblast against blast; terror against terror and eventually tyranny against tyranny. That is the purpose behind the whole scheme and also behind the demand for the separation of Sindh. Lest there should be any doubt on this point I wish to remove it by directing attention to the Report of the Nehru Committee in which they say: "we agree that the Muslim demand for the separation of Sindh was not put forward in the happiest way. It was based on communalism and tacked on irrelevently to certain other matters with which it had no concern whatever." That the Nehru Committee should have fought shy of

disclosing the real grounds of separation is a circumstance which raises the presumption that the purpose as known to the Committee must have been otherwise than laudable. But if we are to consent to it, it is better to know the worst about it. I will therefore raise the curtain and let Maulana Abdul Kalam Azad reveal the same. Addressing the Muslim League at its recent session at Calcutta in a speech which must be admired for its terseness and clarity he said — “That by the Lucknow pact they had sold away their interests. The Delhi proposals of last March opened a door for the first time to the recognition of the real rights of the Musalmans in India. Separate electorates by the pact of 1917 only ensured them Muslim representation, but what was vital for the existence of the community was the recognition of its numerical strength. Delhi opened the way to the creation of such a state of affairs as would guarantee to them in the future of India a proper share. Their existing small majority in Bengal and in the Punjab was only the census figure but the Delhi proposals gave them for the first time five provinces of which no less than three (Sind, N. W. F. and Baluchistan) contained a real overwhelming majority. If Muslims did not recognise this great step they were not fit to live (applause). There would be now nine Hindu provinces against five Muslim provinces and whatever treatment Hindus accorded in nine provinces Muslims would accord same treatment to Hindus in the five provinces. Was not this a great gain? Was not a new weapon gained for the assertion of Muslim rights?” (Hindustan Times, 3rd January, 1928). No one who is not interested in misunderstanding the plain meaning of simple English can mistake the real purpose of the demand for the separation of Sind. It is obvious that the real purpose has very little to do with the destiny of Sind. It is part of a larger scheme designed for the protection of Muslim minorities and is based upon the principle that the best way of keeping peace is to be prepared for war.

6. Knowing the real purpose of the demand the question is should it be sympathised with? I, for one, am unable to sympathise with it and no person I venture to say who has at heart the interests of good administration will consent to it. It will no doubt be said as is done by the Nehru Committee which has expressed itself in favour of separation that “the manner of putting it forward does not necessarily weaken the merits of a proposal.” I take exception to this position. I hold that the manner discloses the motive and that motive, far from being a small matter, is important enough to change the face of the situation. For it cannot be gainsaid that the main force which sets an institution in motion and also fixes its direction centres round the motive which brings the institution into being. The motive that lies behind this scheme is undoubtedly a dreadful one involving the maintenance of justice and peace by retaliation and providing an opportunity for the punishment of an innocent minority, Hindu in Mohamedan provinces and Mohamedan in Hindu provinces, for the sins of their co-religionists in other provinces. A system must stand self-condemned which permits minorities to be treated in their own provinces as hostages

rather than as citizens, whose rights are subject to forfeiture, not for any bad behaviour chargeable to them but as a corrective for the bad behaviour of their kindred elsewhere. And who can say that the grievance leading to such a forfeiture will always be just and substantial? As often as not, a grievance is one at which one merely feels aggrieved so that any act be it great or trivial against a minority may be made to serve as a *causus belli* for a war between the Provinces. The consequences of such a scheme are too frightful to be contemplated with equanimity. That the Hindus get the same chance to tyrannize the Muslims in Hindu provinces does not alter for the better the character of the scheme which contains within itself the seeds of discord and disruption. The scheme is so shocking that if the Mohamedans cannot feel secure without it I for one would prefer that Swaraj be deferred till mutual trust has assured them that they can do without it. The Nehru Committee argues that "a long succession of events in history is responsible for the distribution of the population of India as it is today"—and that in creating communal provinces "we have merely to recognize facts as they are." This is no doubt true. But the point remains whether we should create such admittedly communal provinces at a time when the communal feeling is running at full tide and the national feeling is running at its lowest ebb. There would be time for creating such provinces when the Hindus and Mohamedans have outgrown their communal consciousness and have come to feel that they are Indians first and Indians last. At any rate this question should wait till both have come to feel that they are Indians first and Hindus and Mohamedans afterwards. On these grounds I dissociate myself from the sympathy shown by my colleagues towards the question of the separation of Sindh.

7. It will be noticed that I say nothing about the financial difficulties that lie in the way of separating Sindh from the Presidency. That is not because I do not attach importance to them. I do. But my view is that they alone cannot be decisive and if I have not alluded to them it is because I hold that the objections which I have raised to the separation of Sindh will survive, even when the financial objections are met or withdrawn.

## **SECTION II**

# **PROVINCIAL EXECUTIVE**

### **CHAPTER 1**

#### **DUAL VERSUS UNIFIED GOVERNMENT**

8. My colleagues have recommended that the subject of Law and Order should be continued as a reserved subject for five years after the new regime has come into operation. I would not have cared to differ from my colleagues if their recommendation had involved nothing more than a short period of waiting to allow the Council an opportunity of settling down to its work. But unfortunately their recommendation involves more than this and is accompanied by a proviso that “after that period it should be left to the decision of the Legislative Council with the concurrence of the Upper House and of the Governor to decide that the subject should be transferred.” I am unable to agree to this recommendation which means the continuance of dyarchy for an indefinite period. Such a recommendation cannot be supported except on the assumption that dyarchy is a workable system of Government and that as it has been successfully worked in the past it can be expected to work in future. This assumption is in my opinion quite untenable.

9. Many things have been pointed out as being responsible for the unsatisfactory working of dyarchy as a form of Government. It is true that the Transferred side of the Government was hampered by certain checks which were introduced by way of safeguards. The subjects transferred to the control of the ministers all related to the well-being of the people, as distinguished from subjects relating to the maintenance of law and order. Indeed the subjects were transferred largely because they were of that character. As a matter of policy, therefore, the finances of the Presidency should have been in the hands of a minister. For it is obvious that no policy has any chance of reaching fruition unless the Finance Department found the ways and means required for the same. This could be expected of the Finance Department only if it belonged to the Ministerial side of the Government. But it did not. Section 45A(3) provided for the constitution by rules under the Act of Finance Department and for the regulation of the functions of that department. The department as constituted is neither a Transferred nor a Reserved one but was common to both sides

of the Government. Yet as rule 36(1) of the Devolution Rules laid down that the Finance Department should be controlled by a member of the Executive Council, that department was virtually converted into a Reserved Department. Having been placed into the hands of the Executive Councillor, not responsible to the legislature, it is only natural that the department should be on the Reserved side and the head of the department more or less identified with the work of the reserved departments to the disadvantage of the Ministers. The position assigned to the Governor in relation to the Transferred subjects was another factor which worked to the detriment of the transferred side of the Government. Under section 52(3) it was laid down that in relation to the transferred subjects the Governor shall be guided by the advice of his ministers, unless he sees sufficient reason to dissent from their opinion. But the common complaint has been that the Governors instead of reducing their interference to exceptional occasions of fundamental difference claimed that in law the ministers were merely their advisers and they were free to reject their advice if they thought fit to do so. This perverse interpretation made the position of the ministers worse than the position of the Executive Councillors. For, the Executive Councillors could not be overruled in ordinary cases except by a majority of votes. While under the interpretation put by the Governors upon section 52(3) Ministers were at the mercy of the Governor and were without the protection enjoyed by the Executive Councillors. There was another thing which also helped the aggrandizement of the powers of the Governors as against the ministers and which tended to cripple the activity of the latter. The Instrument of Instructions issued to the Governor charged him to safeguard the interests of all members of the services employed in the Presidency in the legitimate exercise of their function and in the enjoyment of all their recognised rights and privileges. The duty was confined only to the question of the safeguarding of the interests of the services. But the Governors placed a wider interpretation on this instruction and insisted that all matters relating to the services including the question of their appointments, posting and promotions in the Minister's department should be under the charge of the Governors. In Bombay the Governor claimed this right even with regard to the services functioning under the Executive Councillors and to make it known that the Governor has this power; the ordinary form "the Governor in Council is pleased to appoint" was changed to "Governor is pleased to appoint". The position assigned to the Secretary of a Ministerial Department also helped to weaken the authority of the minister and to increase the autocracy of the Governor. For, in all cases, where the Secretary differed from the decision of the ministers, he was permitted to approach the Governor over the head of his political chief and get his decision altered by the fiat of the Governor.

10. All this undoubtedly had an adverse effect on the satisfactory working of dyarchy. But what I wish to guard against is the inference often drawn that in the absence of these factors dyarchy could have been

a workable system of Government. For I maintain that dyarchy is in itself an unworkable system of Government. Fortunately for me I am not alone in holding this opinion. The Government of Bombay, some members of which individually support the continuance of the system of dyarchy, has itself condemned it in 1919, as an unworkable system in words which are worth quoting: "A reference to the records of Government will show that there is scarcely a question of importance which comes up for discussion and settlement in any of the departments of Government which does not require to be weighed carefully in the light of considerations which form the province of another department of Government. The primary duty of the Government as a whole is to preserve peace and order, to protect the weak against the strong, and to see that in the disposal of all questions coming before them the conflicting interests of the many different classes affected receive due attention. And it follows from this that practically all proposals of importance put forward by the Minister in charge of any of the departments suggested for transfer.....will involve a reference to the authorities in charge of the reserved departments.....there are few, if any, subjects on which they (the functions of the two portions of the Government) do not overlap. Consequently the theory that, in case of a transferred subject in charge of a Minister, it will be possible to dispose it off without reference to departments of Governments concerned with the control of reserved subjects is largely without foundation."

11. The dualism due to division of subjects is but one of the inherent defects which makes dyarchy unworkable. There is also another. Under it, it is not possible for the Executive to act as a unified body with a common policy. Such a unity can be secured only by a common allegiance arising out of a common mandate. Ministers who are appointed from the legislature are bound to feel a real obligation towards that body that indeed is the reason why they are appointed and they would not serve their intended purpose unless they felt such obligation. But every link that binds them to the legislature works only to separate them from their official colleagues with the result that the dualism inherent in dyarchy tends to come to the surface. Once this dualism has established itself between the two halves of government — and the many instances in which Ministers and Executive Councillors have opposed each other by speech and vote in open Council prove its possibility — government must become impossible. This dualism in dyarchy is kept in check by a coalition. But this coalition is a forced and artificial union between two parties with totally different mandates and can easily lead to an impasse. That such an impasse has not occurred in the Bombay Presidency does not negative this inherent defect in dyarchy. It only throws in clear relief that in this coalition the ministers had surrendered themselves to the Councillors.

12. Notwithstanding these inherent defects, there are people who hold that dyarchy has been successfully worked in this Presidency. That view can be agreed to only if it means that the Governor was not obliged to

suspend the constitution or to bring into operation the emergency powers given to him by the Government of India Act. This is true. But the question is not whether dyarchy worked. The question is whether it worked as a responsible form of Government. For it must not be overlooked that in 1919 there were many other alternative forms of Government competing with dyarchy for acceptance. There was the Congress League Scheme and there was the Scheme by heads of the Provinces, to mention no others. But all these schemes were rejected in preference to dyarchy because they failed to satisfy the tests of responsible government. Any estimate of the working of the dyarchical system of Government must therefore be based upon that supreme consideration alone. If we bear this fact in mind and then attempt to evaluate the working of dyarchy, the conclusion that in this province dyarchy has been a failure is beyond dispute. Responsible government means, that the Executive continues to be in office only so long as it commands a majority in the House. That is the essence of the doctrine of ministerial responsibility. Now if we apply this test to the working of dyarchy in the Bombay Presidency and take into account the occasions on which the Council divided on motions relating to the transferred subjects, we find a most unedifying spectacle that the ministers have been defeated time and again on the floor of the House and yet they have continued in office as though nothing had happened. This lamentable tale is told by the following table : —

Year	Total No. of Divisions	No. of divisions in which Govern- ment were neutral	No. of Govern- ment defeats	No. of Govern- ment defeats if official block is eliminated	No. of Govern- ment successes	No. of ties
1921	.. 3	..	2	2	1	..
1922	.. 17	..	4	8	9	..
1923	.. 4	1	1	2	1	..
1924	.. 19	..	10	14	5	1
1925	.. 30	1	..	11	18	..
1926	.. 3	..	..	1	2	1
1927	.. 26	..	3	10	16	..
1928	.. 2	..	1	1	1	..

These figures show that in 1921 out of three divisions the ministers were defeated on 2 ; in 1922 out of 17 on 8 ; in 1924 out of 19 on 14 ; in 1925 out of 30 on 11 ; in 1926 out of 3 on 1 ; in 1927 out of 26 on 10 ; in 1928 out of 2 on 1. Notwithstanding this there has never been a case in this Presidency of a minister having resigned. With these facts before us it is impossible to agree to any conclusion which implies the dyarchy has worked as a responsible system of government.

13. It is of course open to argument that if the ministers did not resign it is because the Council did not intend by these divisions to indicate want of confidence ; otherwise it would have refused supplies to the ministers whom it had discredited by its adverse vote. That the Bombay Legislative Council was too effete to impose its will effectively upon the ministers is a fact too well known to need mention. Its division into cliques and factions, its vicious way of following men rather than principles, made it a toy in the hands of the executive, so much so, that the House as a whole failed to exercise even the selective function which any popular House conscious of its power is expected to fulfil. Any popular House, howsoever dominated by the executive, will not tolerate the candidature of any member of the House for office unless he shows that he has some power of speech, some dexterity in the handling of a subject, some readiness of reply and above all some definite vision which can constitute the basis of a rational policy of social and economical betterment. Even in England where the dominance of the cabinet is as complete as it could be, no Prime Minister in filling the subordinate offices of Government will choose men who have not shown themselves acceptable to the House of Commons. The Legislative Council of Bombay was incapable even of this, with the result that the choice for political office did not always fall on the best man available. But supposing that the Council being better organised, had imposed its will more effectively on the executive. What would have been the result ? Would it have made dyarchy work as a responsible form of Government ? My answer is emphatically in the negative. For, any effective action on the part of the legislature against the Executive can produce only one result, namely, it will lead to the use by the Governor of the emergency powers of suspension and certification, which are entrusted to him under the Act. That this is the inevitable result of strong action on the part of the legislature is the testimony of all provinces where the constitution has been suspended. But to admit this is to admit that the moment the Council begins to assert its power to the fullest extent dyarchy must crumble unless jacked by the emergency powers of the Governor. It is therefore obvious that in either case dyarchy fails. It fails by the inaction of the legislature as in the Bombay Presidency. It fails as much by the action of legislature as in Central Provinces. In the one case by reason of the weakness of the legislature the executive gets the freedom to be irresponsible. In the other case the legislature by force of action compels the Governor to keep into being an irresponsible executive.

14. Many have suggested that dyarchy would have worked better if the Governor has chosen to conduct himself as a constitutional head in accordance with the provisions of Section 52(3) and the advice given by the Joint Parliamentary Committee. I do not share this view. First of all there is no foundation of facts to support the contention that the Governor was bound to act as a constitutional head. It is often forgotten that though the dyarchical form of government was selected as being a responsible form of government implying that the Governor in relation to the ministers was to

be a constitutional head. But the Joint Report made it quite clear that he was not to be reduced to that position. They expressly stated, "We do not contemplate that from the outset the Governor should occupy the position of a purely constitutional Governor who is bound to accept the decision of his ministers. We reserved to him the power of control because we regard him as generally responsible for his administration". Nor did the Joint Parliamentary Committee recommend that he should work as a constitutional Governor. The Committee distinctly stated in paragraph 5 of their Report that the Ministers will be assisted and guided by the Governor who will accept their advice and promote their policy whenever possible. This is far from saying that the Committee intended him to function as a constitutional head. Indeed such an intention would be inconsistent with the provisions of the Act under which the Governor's dictatorial powers were expressly reserved and nothing that is said in the Joint Report or in the Report of the Parliamentary Committee nullifies their use; so that if the Governor has himself governed and has not allowed the ministers to govern through him it is no fault of his. But granting that the Governor should have acted as a constitutional head, the question again is, would it have made dyarchy workable as responsible form of government? My answer to this question is also in the negative. For, as I see the situation, if you take away the power of the Governor and make him a constitutional head, you thereby expose the existence of the reserved side of the Government to an attack from a popularly elected chamber. From this peril the reserved side deprived of the protection of the Governor has only one escape and that is to consent to be ruled by the wishes of the Council. In other words, if you remove them from the leap of the Governor, you have no other alternative except to place them on the same footing as the transferred side. But this is only another way of stating that if the desire is to reduce the position of the Governor to that of a constitutional head you must first put an end to dyarchy.

15. So far I have argued against the view that dyarchy is not a system which is made unworkable by certain other factors and in support of the view that owing to its inherent defects, it is not only unworkable but it is incapable of being worked as a responsible form of a government. Of course dyarchy with complete dualism involving the functioning of two separate governments and two separate legislatures, in one the legislature is subordinate to the executive and in the other the executive is subordinate to the legislature, is free from the criticism which has been urged above against the system of dyarchy-with-dualism such as is in operation. But the alternative of dyarchy-with-dualism was rejected by the Government of India in 1919 and is open to the same objections which apply to the system of government that was established by the Morley-Minto Reforms and which have never been so forcibly voiced as in the Montagu-Chelmsford Report. A return to such a system at this stage in the evolution of political life in India is unthinkable and I therefore refrain from saying anything on

a possible recourse to such a system. The only alternative left is to discontinue dyarchy and transfer all subjects to the control of the ministers.

16. So far the general grounds of my opposition to the recommendations of my colleagues who have given their sanction to the continuance of dyarchy have been stated. I now proceed to state my grounds of objection to the continued reservation of the particular subject, namely law and order. The principal reason urged against the transfer of law and order to the charge of a minister is that being subject to the wishes of the electorates and being removable by an adverse vote of the Council the minister will not be able to administer the department impartially. The inevitable consequence of such a situation, it is feared, will be that the services working in the administration of that department will be placed in a false position. Never knowing when they will be supported and when they will be censured, the uncertainty will paralyse their action to the grave detriment of peace and good government. It is further urged that in view of the series of Hindu-Moslem riots which have, of late, become so very common we ought not to transfer law and order to the control of a minister who is subject to the vagaries of public opinion and who is likely to be swayed by communal prejudices, Hindu or Moslem.

17. To be frank this argument has produced no effect upon me although my colleagues seem to have been considerably impressed by it. It is one of the stock arguments of bureaucracy. To admit its force is to accept that bureaucratic government is the best form of government. Unfortunately bureaucratic government has been known to India too long for anybody to be deceived by any such argument. It is so extravagant that its acceptance would involve the negation of all responsible government. Whatever its antecedents, responsible government, it must be recognised has come to stay in India. Any change time can bring along with it must be in the direction of expansion of the principle. Any Plan therefore which hinders the broadening of this basic principle must create a serious conflict between the Government and the people. Nor does it appear to me that there exists any ground why we should needlessly give rise to such a conflict by acting upon the bureaucratic argument. For, in my opinion, the fear that the ministers will succumb to the clamour of their followers in the House or that their followers will be malevolent in their attitude is not backed by experience and in so far as it is, it does them a great injustice. The suspension of the Local Boards and Municipalities which had been captured by the non-co-operators in 1922 at a time when Mr. Gandhi was in the plenitude of his power gives us hope to say that ministers can be trusted to act independently of the wishes of the electorates when such an action is demanded of them. Members of Government will I am sure testify that the Bombay Legislative Council has invariably acted with the necessary restraint which consciousness of responsibility always brings with it. But even if one is compelled to admit that the House may not keep itself unruffled on occasions of communal feeling and communal clash

this is no argument against transfer. For one may point out in reply that no community whatever its attitude towards another has any vested interest in disorder such as will induce its accredited representatives to be so irresponsible as to lead them to work against peace and goodwill. The fear therefore which operates on the mind of those who support the reservation of law and order is merely the fear of the unseen, unknown and the untried. My colleagues in not recommending the transfer are no doubt adopting a most cautious course. But I am not certain that they are thereby following the wisest course. For, there is such a thing as too much caution which prohibits the liberty to make an experiment which the wisest course must demand in order to find out whether or not the fear is real. The very same fear of the unknown which is now urged against the transfer of law and order was urged in 1919 against the transfer of the subjects now entrusted to the control of the ministers. But they were all brushed aside by the Secretary of States and the Government of India who both consented to take the leap in the dark. I prefer to adopt the same course with respect to law and order.

18. But there is another reason why if we are to make the experiment it is wise that we should make it without delay. It is obvious that the transfer of a subject brings in its wake an increase in the number of Indians employed in the services. It is possible that the Indians might be less efficient, at any rate, less experienced than the European members of the staff. To postpone the transfer of law and order is therefore to increase the dangers incident upon every transitional stage. Consequently it is much the safest to take the step at once and emerge through that stage while the experienced trained civil servants, who could be relied upon to loyally assist in working the new constitution with as little dislocation as possible, are still with us. Fortunately for me this suggestion comes from a very important authority, in fact it comes from an experienced civil servant, who supplied his views in a note to Mr. Barker who has reproduced the same in his book on the "Future of Government of India and the I.C.S."

"I propose to state," says Mr. Barker, "the lines of such criticism, as it is advanced in a Note written by an experienced civil servant.....In the first place it is urged by the author of the Note that the maintenance of law and order, and matters concerned with land revenue and tenancy rights, ought to be transferred." "These departments," he urges, "are administered under Government by the strongest and most able branch of all the services in India—the Indian Civil Service. The principles of their administration have long been laid down, and are well understood. The service has great tradition behind it which will ensure that, mat administration will get the best assistance and most outspoken advice.....It is admitted that the people of India are quiet and easily governed people, though occasionally liable to excitement over things affecting their caste or religion. The task of maintaining law and order is not therefore a very difficult one.....the argument that land revenue and tenancy questions affect the interest of the masses rather than

of the classes who will be represented in the Legislature (and therefore, on the fifth of the canons mentioned above, should not be transferred) is absolutely inconsistent with the franchise and electorate scheme which has been put forward for the Provinces.....The convinced advocate of the compartmental system who is afraid to transfer some at any rate of the departments concerned with law and order and with revenue administration admit that he is afraid of his own scheme. I, though I am not an advocate of dyarchy, should not be afraid to make the experiment, because I should hope to find among the Ministers that common sense, goodwill, and forbearance which are essential to the success of any scheme, dyarchical or not.”

19. I quite realise the anxiety of the minorities in respect of the transfer of law and order. But it is somewhat difficult to understand how they expect to gain by its reservation. There will be no difference between a bureaucrat in charge of law and order and a minister from the standpoint of personal bias if the bureaucrat is to be an Indian. If he is to be a European, then the most that can be said of him is that he will be a neutral person. But this is hardly an advantage. For, there is no guarantee that a neutral person will also be an impartial person. On the contrary a person who is neutral has also his interests and his prejudices and when he has no such interest he is likely to be ignorant. The European personal of the bureaucrat is therefore a doubtful advantage to the minorities who are anxious for the reservation of law and order. What however passes my comprehension is the failure of some of the representatives of the minorities to realise the great advantage which the ministerial system gives them as against the bureaucratic regime. For the best guarantee which the minorities can have for their own protection is power to control the actions of the executive. The bureaucratic system is impervious to this control. If it protects the minorities it is because it likes to do so. But if on any occasion it chooses not to take action the minorities have no remedy. In other words, a minister can be dictated to ; but a bureaucrat may not even be advised. This it seems to me is a vital difference between the regime of the bureaucrat and the regime of the minister. Personally myself, I do not see how the minorities will lose by the transfer of law and order and I say this, although I belong to a minority whose members are treated worse than human beings. My view is that in a Legislature where minorities are adequately represented, it is to their advantage that law and order should be transferred. For, such transfer gives them the power of control over the administration of the subject which is denied to them under reservation. I think the minorities should consider seriously whether there is not sufficient truth in the statement that a rogue does better under the master's eye than an honest man unwatched ; and if they do I think they will realise that they can with good reason prefer inferior officers, over whom they can exercise an influence, to the most exemplary of mankind entirely free from such responsibility.

20. There is however another and a more important reason why Minorities prefer reservation to transfer. It is because their representation

in the Legislature is so small as to make them inconsequential. From the standpoint of the minorities, the choice obviously is between reservation and no representation on the one hand and transfer and adequate representation on the other. Here again the second alternative must be deemed to be more beneficial than the first. It would therefore be more in the interest of the minorities to insist on adequate representation than to persist in opposing the transfer of law and order. But, if the fear of mal-administration in the department of law and order to the prejudice of the minorities cannot be allayed by the grant of adequate representation to the minorities, I am prepared to add a proviso to my recommendation to the effect that if a minority of say 40 per cent, in the Legislative Council should decide by a vote that law and order be a reserved subject, it shall then be withdrawn from the list of transferred subjects. I make the proposal in preference to that of the Majority, because I hold that some day the subject shall have to be transferred if the principle of responsible government laid down in the Pronouncement of 20th August, 1917, is to be made good and that the proposal while it does not come in the way of giving effect to it immediately it does not preclude the possibility of cancelling the transfer, if experience shows that the fears entertained about it are well founded.

## CHAPTER 2

### THE EXECUTIVE IN WORKING

21. The introduction of a unified government based on ministerial responsibility gives rise to four important questions. Of these the first pertains to the stability of the executive, the second to communal representation in the Executive, the third to the enforcement of the responsibility of the Executive and the fourth to the mutual relation among the members of the Executive.

22. Regarding the first question it is said that owing to the communal bias of the members of the legislature, the legislature is bound to be composed of groups. With attachment to community more pronounced than loyalty to principles, the ministry may find itself resting on uncertain foundation of communal allegiance measured out in proportion to communal advantage so that if communities choose to transfer their allegiance according to their will and without reference to principles, ministries may crumble as soon as they are formed. To prevent such an evil it is proposed that the ministry might be formed from a panel of men chosen by the various groups in the Council and once it is formed it should be made irremovable during the lifetime of the Council. I recognise that the fear of an unstable executive may come true. But I do not think that it calls for a remedy or a remedy of the kind suggested. India is not the only country with the group tendency manifesting itself in the Legislature. The French Chamber of Deputies is a more glaring instance of the group tendency involving frequent disruption of the ministries. All the same the French

have felt that the situation, bad as it is, is not so intolerable as to call for a remedy. But assuming that what is anticipated comes true and the situation becomes intolerable, I am convinced that the remedy is not the right one. That the remedy will immensely weaken the responsibility of the ministers is beyond dispute. What, however, I am afraid of, is that the scheme instead of making for the coalescence of the groups will only serve to harden and perpetuate them; so that the remedy far from curing the disease will only aggravate it. The true remedy appears to me to lie along the line of reconstruction of the existing electorates.

23. I am totally opposed to the recognition of communal representation in the executive of the country. Under it, the disease will break out in its worst form in a most vital organ of the governmental machinery. It will be a dyarchy or triarchy depending upon the number of communities that will have to be recognised as being entitled to representation in the cabinet, it will no doubt be a communal dyarchy somewhat different from the political dyarchy which we have today. But that will not make it better than political dyarchy. The defects inherent in the one are inherent in the other and if the aim of constitutional reconstruction is a unified government, dyarchy in its communal form must be as summarily rejected as dyarchy in its political form. Indeed there is greater reason for the rejection of communal dyarchy than there is for the rejection of political dyarchy. For under political dyarchy the possibility of a Government based on principle exists. But communal dyarchy is sure to result in a Government based on class ideology.

24. It is a cardinal principle of the constitutional law of Great Britain and the self-governing Dominions that every minister is amenable to the law Courts. Indeed it is owing to this wise principle that British subjects at home and in the Dominions are secure in person and property against ministerial wrong doing. India alone stands in strange contrast with Great Britain and the Dominions in the matter of legal responsibility of the Executive for illegal acts. During the course of a better conflict between the judiciary headed by Sir Ilijah Impey and the Executive backed by Warren Hastings, the Executive in India as early as 1780 secured for itself immunity from the control of the Courts. That immunity has been continued to it ever since and now finds its place in sections 110 and 111 of the Government of India Act. Such an immunity was tolerated because it was local and not general. For it was provided that members of the Executive who could not be prosecuted in India were liable to prosecution in England for illegal acts done in India. This system of accountability if it was remote was none the less efficacious because under the old regime almost every member of the Executive by reason of the fact that he was a European returned to England. The composition of the Executive has now undergone a change. It is largely Indian in personnel and as the chances of any one of them going to England are so rare their liability can never in fact be enforced. The situation as it now stands provides no remedy either immediate or remote

against wrongful acts of ministers. To allow the situation to continue, is to destroy the very basis of constitutional government. I therefore recommend that sections 110 and 111 of the Government of India Act should be amended so as to allow all British subjects, whether Indian or European, the right to resort to the Courts in respect of illegal acts ordered by ministers. Such a change in the law was urged in 1919 in respect of ministers. But it was not then accepted because its acceptance, it was thought, would introduce an invidious distinction between Ministers and Executive Councillors. With the introduction of full responsible government in the Provinces, this objection does not survive.

25. I hold so strongly to the view of enforcing legal responsibility of ministers for illegal acts that I propose that the constitution should provide for the constitution of a tribunal composed of the Legislature or partly of the Legislature and partly of the Judiciary before which ministers may be impeached for acts unlawful in themselves or acts prejudicial to the national welfare. I am aware that owing to the introduction of ministerial responsibility impeachment has fallen into disuse. But I feel that ministerial responsibility in India is only in the making and until the Legislature and the Executive have become conscious of its implications it is better to provide a more direct means of curbing the extravagances of power in the hands of men who are unused to it and who may be led to abuse it by excessive loyalty to caste and creed. A safeguard is never superfluous because it is not often invoked.

26. In determining the relationship between the members of the executive—whether each should be liable for his acts only or whether each should be liable for the acts of all, in other words, whether the liability should be individual or joint — is a question on which no one can dogmatise. All the same I am for joint responsibility. I am aware that under it the Legislature is practically helpless in the matter of punishing a delinquent minister. With joint responsibility the legislature will not be able to dismiss a minister of whose acts it disapproves; it will not be in position even formally to censure him, unless it is prepared to get rid of his colleagues as well. This no legislature functioning with a parliamentary executive date do. For if it does, and overthrows the executive, the executive will also overthrow the Legislature by asking for a dissolution. Notwithstanding this defect, I am in favour of joint responsibility and for two reasons. In a modern state the function of the executive as an administering body applying legislation has become a secondary function. Its main function is to determine policy and submit proposals to the Legislature. Indeed so necessary is the function that the usefulness of the Legislatures would be considerably diminished if the executive failed to perform it. But in order that the executive may perform the function of policy-making, there must be a unity of outlook among its members. Such a unity of outlook will not be possible without complete coherence in the executive. Joint responsibility, it appears to me, can alone ensure such coherence. Second

reason why I recommend joint responsibility is because I fear that the principle of individual responsibility will, never permit the growth of a common political platform transcending the boundaries of caste and creed. It will perpetuate groups and the Presidency will for ever be condemned to a rule of Government by Coalition of groups which by their readiness to form new combinations, will plague the administration with instability and which by their preference for a policy of *menoeuvres* to a policy of ideas, will fatally affect the integrity of the work of the administration. Under joint responsibility although a party may be a collection of units of varying views yet members of each unit, not only shall be forced to do the best they can to formulate a unified policy but will be compelled to be bound by it. The habit of submitting to a party programme which is wider than the group programme will furnish a kind of education, the need of which must be keenly felt by all who know the conditions of India.

27. How to secure joint responsibility is a matter of some importance. To do it by express terms of law will leave no liberty either to the Head of the administration or the Legislature to dismiss a minister without dismissing the whole of the executive. It is therefore better to leave it to convention. The question how to make the convention operative still remains. It seems to me that if instead of the Governor choosing the ministers, the task was entrusted to one of the ministers to choose his colleagues, a cabinet so formed is bound to function on the basis of joint responsibility and would yet leave room for getting rid of an individual minister without changing the whole personnel of the government I therefore suggest that the Governor should be instructed not to undertake directly the task of appointing individual ministers but to choose a chief minister and leave to him the work of forming a government.

28. My colleagues have recommended that there should be 7 ministers to take charge of the administration of the Presidency. I am unable to concur in the recommendation in so far as it fixes the number of ministers. It may be that the future government of the Presidency might be able to do with less than 7 or may feel the necessity for having more than 7 to make no mention of having to appoint ministers without portfolios for satisfying the personal ambitions of members of the Legislature without whose support it may not be possible to carry on the government of the Province. Under these circumstances the wisest course seems to me to leave the question of the number of ministers open to be determined by the Legislature of the day.

### CHAPTER 3

#### THE POSITION AND POWERS OF THE GOVERNOR

29. Under the existing constitution the Governor of a Province does not occupy a well defined position. He has not the position of a constitutional head representing the Crown in the Province without any responsibility for the government of the Province. Nor is his position such as to invest him

with a complete direction of the affairs of the Province. His position partakes of both. Such a position for the Governor which makes him play the double role of an autocrat and a constitutional head is not a very happy position either from the standpoint of the Governor or from the standpoint of smooth working of the governmental machine. Whatever the nature of the difficulties of the position of a Governor was made to occupy it was quite consistent with the type of the constitution that was introduced in 1919. As the constitution did not grant full responsible government the Governor was naturally not reduced to the position of a constitutional head. On the other hand, as the direction of the affairs of the Provinces was in some departments at any rate, transferred to responsible ministers, the Governor was not permitted to retain his former position as an irresponsible head. The change in the position of the Governor was thus based on an intelligent principle of reducing the executive powers of the Governor in direct ratio to the advance made towards responsible government. Following the logic of the principle laid down in 1919, of making the position of the Governor to accord with the transfer of responsibility, I recommend that the Governor of the Province should be reduced to the position of a constitutional head. Indeed no other position for the Governor can be thought of, which will be compatible with the system of full responsible government.

30. Regarding his powers he shall have in his capacity as representing the Crown in the Executive of the Province the power to make appointments to the Cabinet. In the same capacity, he will have the ultimate power of giving or refusing sanction, to any order proposed by the minister in any matter pertaining to any branch of the administration. As representing the Crown in the Legislature he will have in dealing with Bills passed by the Council the power (1) to assent, (2) to reserve assent pending signification of His Majesty's pleasure and (3) to refuse assent.

31. The exercise of these powers given to the Governor must of course be made conditional upon the formula that it must be with the advice of ministers responsible to the Legislature. This does not mean that he will not have the discretion to disagree with his ministers. Far from that being the case, he will retain the liberty not merely to tell his ministers that he does not approve of their policy but actually to dismiss the ministers who persist in a policy to which he is opposed. For there cannot be any obligation on a constitutional head compelling him to follow a minister responsible to a Legislature. The essence of his obligation is to follow the general wish of the electors and if he appears to follow the minister it is because a minister is supposed to represent the will of the electors. But there may be occasions when he may have reasons to doubt that the minister correctly represents the Will of the general electorates. Consequently not only do the constitutions of all responsible governments recognise this possibility but they actually provide him with all possible means of ascertaining what the Will of the electorates is. For that purpose the constitution of every responsible government permits

the Governor to dismiss the ministers and appoint others who agree with him in the hope that the Legislature will support them. If the Legislature refuses support to the new ministers, the constitutions of all responsible governments permit him another resource that of an appeal to the electorates in the hope that they might support him. These resources the Governor of the Province must be allowed. But it is also necessary to bear in mind that no constitution gives him larger powers than these. If after the ascertainment of the Will of the electorates, it is found that the decision has gone against him the constitution of every responsible government leaves him no other alternative but to yield, abdicate or fight. The Governor of a Province must be content with these resources. Under no circumstances can he have independent powers of action such as he has under the present constitution to certify measures not passed by the Legislature, sanction expenditure refused by the legislature or suspend the constitution by dismissing the ministers and assuming the direction of affairs himself. What is necessary therefore for making the Governor a constitutional head is to take away his powers of certification and suspension and thus make it impossible for him to act independently of ministers responsible to the Legislature.

32. The precise language of the Section in which the obligation of the Governor to act on the advice of the minister is a matter of some moment. Section 52(3) which deals with this seems to be too vaguely worded. It is too indefinitely worded to secure the desired end. Instead of stating that the Governor shall act on the advice of his ministers it would be better if the Section stated that no order of the Governor shall be valid unless it is countersigned by a minister. The obligatory force of such language is obvious. Accordingly I recommend such a change in the language of the Section.

33. Along with the definition of the powers of the Governor, the place of the Governor in the Executive must also be defined. Being relieved from the responsibility for the direction of affairs the function of the Governor becomes supervisory rather than executive. His main business will be to see that those on whom the responsibility will now fall do not infringe the principles enunciated in the constitution for their guidance. In order that he may, perform this function, he must be independent of local politics. That independence is absolutely essential to unprejudicial supervision. The best way of keeping him independent is to keep him away from the executive. Nothing will undermine public confidence in his impartial judgment so much as a direct participation by the Governor in political controversies Nor can it be doubted that his association in the public mind with the controversies between the Legislature and the Executive will have any other result. If the Governor is to discharge his functions in a manner that will be regarded as fair it is very important that he must be above party. For that purpose he must be emancipated from the Executive as he has been dissociated from the Legislature. I therefore recommend that it should be provided that the Governor shall not be a part of the Executive nor shall he have the right to preside over it. The meetings of the Executive shall be summoned and presided over by the Prime Minister without any intervention of the Governor

## 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

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.

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-electorates 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

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-electorates 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-electorates. 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 Electorates*—Three objections can be raised against the system of reserved electorates. 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

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

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 not 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

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.

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:

Minority	No. of seats out of 140		
	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

Depressed Classes are burdened with disabilities from which the Mohamedans are absolutely free. The Depressed Classes cannot take water from public watering places even if they are maintained out of public funds; the Mohamedans can. The Depressed Classes, by virtue of their untouchability, cannot enter the Police, the Army and the Navy, although the Government of India Act lays down that no individual shall be denied his right to any public office by reason of his caste, creed or colour. The Mohamedans have not only an open door in the matter of public service, but that in certain departments they have secured the largest share. The Depressed Classes are not admitted in Public schools even though they are maintained out of public money; there is no such bar against the Mohamedans. The touch of a Depressed Class man causes pollution; the touch of a Mohamedan does not; that trade and industry are open to a Mohamedan while they are closed to a man from the Depressed Classes. The Mohamedan does not bear the stigma of inferiority as does a man from the Depressed Classes with the result that the Mohamedan is free to dress as he likes, to live as he likes and to do what he likes. This freedom the Depressed Class man is denied. A Depressed Class man may not wear clothes better than the villagers even though he may have the economic competence to pay for its cost. He must live in a hut. A Depressed Class man may not make much display of wealth and splendour even on ceremonial occasions and may certainly not take the bridegroom on a horse in procession through the main streets. Any act contrary to the customary code or beyond his status is bound to be visited by the wrath of the whole body of villagers amongst whom he happens to live. The Depressed Class man is far often subject to the tyranny of the majority than the Mohamedan is. The reason is that the Mohamedan who has all the elementary rights of a human being accorded to him, has no cause for quarrel against the majority, except when a religious issue comes to the front. But the position of the Depressed Class man is totally different. His life which is one incessant struggle for the acquisition of the rights of a human being, is a constant challenge to the majority which denies him these rights. The result is that he is constantly in antagonism with the majority. This is not all. If on any occasion the Mohamedan is visited by the tyranny of the majority, he has on his sides the long arm of the Police and the Magistracy. But when the Depressed Class man is a victim of the tyranny of the majority, the arm of the Police or of the Magistracy seldom comes to his rescue. On the contrary it works in league with the majority to his detriment, for the simple reason that the Mohamedan can count many of their kith and kin in the Police and the Magistracy of the Province; while the Depressed Classes have no one from them in these departments. And be it noted that the Depressed Classes have not merely to bear the brunt of the orthodox Hindu force. It has also to count against the Mohamedans. It is ordinarily supposed that the Mohamedan is free from social prejudices of the Hindus against the Depressed Classes. Nothing can be a greater error than this. Leaving aside the urban areas,

the Mohamedan in the rural parts is as much affected by the poison as the Hindu. The fracas that took place at Harkul, a village in the Mangaon Taluka of the Kolaba District, is an instance in point. In this district the Depressed Classes launched a campaign of social elevation and resolved to give up certain unclean practices which have marked them out as persons of inferior status. The Hindus of the district, who had formerly preached to these people the abandonment of these unclean practices as a necessary condition of their uplift, turned upon these poor people and tyrannised them by bringing to bear upon them a social and economic boycott. But it was never expected that the Mohamedans of the district would follow their Hindu neighbours. On the contrary it was the hope of the Depressed Classes that in their struggle with the touchable Hindus the Mohamedans would act as their friends. But these hopes of theirs were dashed to pieces. For, it was soon found that the Mohamedans, although they did not observe untouchability, were as much infected as the Hindus with the noxious belief that the Depressed Classes were born to an inferior social status and that their attempt to raise themselves above it by giving up their unclean habits was an affront and an insult which required to be put down. As a result many were the fights that took place between the Mohamedans and the Depressed Classes of the district, in one of which, at Harkul, a Depressed Class man actually lost his life.

71. It is therefore clear that the problem of the Depressed Classes is far greater than the problem of the Mohamedans. The Mohamedans may be backward in the race, although they are so forward that in education at least they are second only to the advanced Hindus. But they are certainly not handicapped, so that with effort and encouragement they can hope to rise. The Depressed Classes, on the other hand, are not merely backward, they are also handicapped, so that no effort or encouragement will enable them to rise unless the handicap is first removed. That being the difference between the two, whatever degree of political power that may be necessary for the Mohamedans to change their backward state, the Depressed Classes will require twice as much if not more to do so. Yet my colleagues have reversed the proportion of their representation. The Mohamedans, who are 19 per cent, and who form a strong minority, are given 31 per cent, of seats in the Council, while the Depressed Classes, who form 8 per cent, of the population on the most conservative estimates, are given only 7 per cent. of the seats in the Council which, in fact, is 1 per cent. less than their population ratio.

72. There is a view that the problem of the Depressed Classes is a social problem and that its solution must be sought for in the social field. I am surprised that this view prevails even in high quarters. I am afraid that those who hold this view forget that every problem in human society is a social problem. The drink problem, the problem of wages, of hours of work, of housing, of unemployment insurance are all social problems. In the same sense the problem of untouchability is also a social problem. But the

question is not whether the problem is a social problem. The question is whether the use of political power can solve that problem. To that question my answer is emphatically in the affirmative. True enough that the State in India will not be able to compel touchables and untouchables to be members of one family whether they liked it or not. Nor will the State be able to make them love by an Act of the Legislature or embrace by order in Council of the Executive. But short of that the State can remove all obstacles which make untouchables remain in their degraded condition. If this view is correct, then no community has a greater need for adequate political representation than the depressed classes.

73. My colleagues nowhere explain why the Mohamedan minority should get 12 per cent, more than its population ratio and why the Depressed Classes should not get even the share that is due to them on the basis of their population. It is noteworthy that the Mohamedan witnesses who pleaded for the excess of their representation did not claim it on the ground, as one might have expected, that it was necessary to ensure their progress or their well-being. Their only ground was that the Mohamedans were the descendants of a ruling class and that they required this excessive representation because without it, they feared that the community would suffer in importance and influence. From this it will be seen that the Mohamedan claim for such excessive representation proceeds not on the basis of adequacy but on the basis of supremacy. I am strongly of opinion that in any democratic form of government all communities must be treated as of equal political importance and that there should be no room left for any one community to claim that it is *uber alles*. When anyone said that his community was important and should receive fair and adequate representation the claim was entitled to the sympathetic consideration of all. But when any one urged that his community was specially important and should therefore receive representation in excess of its fair share, the undoubted and irresistible implication was that the other communities were comparatively inferior and should receive less than their fair share. That is a position to which naturally the other communities will not assent. The earlier therefore the Mohamedan community is disabused of this extravagant notion, the better it will be for the future of the community. For there is no benefit in an advantage which not being willingly conceded by the other communities has perpetually to be fought for. On the contrary it may result in positive harm to the Mohamedan community by sowing the seeds of estrangement and perhaps of positive antipathy between it and the other communities concerned.

74. The Mohamedan's is not the only case of a ruling class which has suffered a fall in its position. The French in Canada and the Dutch in South Africa are other instances where a class fell from its position of a ruling class to that of a subject class. But neither the French in Canada nor the Dutch in South Africa put forth claims to extravagant representation in order to be able to maintain their former position as rulers. Nor

is such a consideration shown to the Mohamedan minorities in other parts of the world. The Mohamedan minorities in Albania, Roumania, Greece, Bulgaria are the remnants of what was once a ruling race. Yet in none of these countries have they claimed a royal share of representation. The Mohamedan claim for representation according to the influence is not only not heard of but is quite foreign to the system of representative government. The landowners, the capitalists, and the priests have an immense influence in every society, but no one has ever conceded that these classes should be given an immense share of representation. There is therefore no reason why the Mohamedan claim should be recognised when claims of similar nature have been dismissed elsewhere.

75. Whatever may have been their position before the advent of British rule in India—and there again it must not be forgotten, that if the Mohamedans have ruled India for five centuries, the Hindus have ruled for countless centuries before them and even after them — the safest course is to proceed on the basis that as a result of the British conquest all communities stand on a common level and pay no heed to their political past. Such an attitude far from being unjust will be perfectly in keeping with the sentiments expressed by the Law Commissioners who drafted the Indian Penal Code in their address to the Secretary of State. Therein they observed :

“Your Lordship in Council will see that we have not proposed to except from the operation of this Code any of the ancient sovereign houses of India residing within the Company’s territories. Whether any such exception ought to be made is a question which, without a more accurate knowledge than we possess of existing treaties, of the sense in which those treaties have been understood, of the history of negotiations, of the temper and of the power of particular families, and of the feeling of the body of the people towards those families, we could not venture to decide. We will only beg permission most respectfully to observe that every such exception is an evil; that it is an evil that any man should be above the law ; that it is still greater evil that the public should be taught to regard as a high and enviable distinction the privilege of being above the law ; that the longer such privileges are suffered to last, the more difficult it is to take them away; that there can scarcely ever be a fairer opportunity of taking them away than at the time when the Government promulgates a new Code binding alike on persons of different races and religion; and that we greatly doubt whether any consideration except that of public faith solemnly pledged, deserves to be weighed against the advantages of equal justice.”

76. These are words of great wisdom and I am sure that words of greater wisdom have not been uttered for the guidance of those in charge of the public affairs of India. Nor is their wisdom restricted to the occasion on which or the purpose in relation to which they were uttered. I have no doubt that they apply to the present occasion with equal if not greater force. Indeed using the language of the Law Commissioners, I am led to say that it is an evil that the constitutional law of the country should recognise that any one

community is above the rest ; that it is a still greater evil that sections of public should be taught to weigh themselves in the scales of political importance in such a manner as to lead one to look up to and the other to look down upon ; that the longer such notions are suffered to last the more difficult it is to eradicate them and that there can scarcely ever be a fairer opportunity for dispelling them than at the time when Parliament promulgates a new code of constitutional law binding alike on persons of different races and religion.

77. Equal treatment of all the minorities in the matter of representation is only a part of the problem of the representation of minorities. To determine a satisfactory quantitative measure for the distribution of seats is another and a more important part of the problem. But this is a most controversial question. Of the two opposing theories one is that the representation of a minority should be in a strict proportion to its population. The other theory which is strongly held by the minorities is that such representation must be adequate. I do not think that the arithmetical theory of representation can be agreed to. If the Legislative Council was a zoo or a museum wherein a certain number of each species was to be kept, such a theory of minority representation would have been tolerable. But it must be recognised that the Legislative Council is not a zoo or a museum. It is a battle ground for the acquisition of rights, the destruction of privileges and the prevention of injustice. Viewed in this light a minority may find that its representation is in full measure of its population yet it is so small that in every attempt it makes to safeguard or improve its position against the onslaught of an hostile majority it is badly beaten. Unless the representation of minorities is intended to provide political fun the theory of representation according to population must be discarded and some increase of representation beyond their population ratio must be conceded to them by way of weightage.

78. To recognise the necessity of weightage is no doubt important. But what is even of greater importance is to recognise that this weightage must be measured out to the minorities on some principle that is both intelligent and reasonable. For it must be recognised that the minorities under the pretext of seeking adequate protection are prone to make demands which must be characterised as preposterous. To avoid this we must define what we mean by adequacy of representation. No doubt adequacy is not capable of exact definition, but its indefiniteness will be considerably narrowed if we keep before our mind certain broad considerations. First of all a distinction must be made in the matter of minority representation between adequacy on the one hand and supremacy on the other. By supremacy, I mean such a magnitude of representation as would make the minority a dictator. By adequacy of representation I mean such a magnitude of representation as would make it worth the while of any party from the majority to seek an alliance with the minority. Where a party is compelled to seek an alliance with a minority, the minority is undoubtedly

in the position of a dictator. On the other hand where a party is only drawn to seek an alliance with the minority, the minority is only adequately represented. The first thing, therefore, that should be kept in mind in the matter of the allotment of seats to minorities is to avoid both the extremes—inadequacy as well as supremacy. These extremes can in my opinion be avoided if we adopt the rule that minority representation shall, in the main, be so regulated that the number of seats to which a minority is entitled will be a figure which will be the ratio of its population to the total seats multiplied by some factor which is greater than one and less than two.

79. This principle, it is true, merely defines the limits within which the representation of a minority must be fixed. It still leaves unsettled and vague with what this multiplier should vary. My suggestion is that it should vary with the needs of the particular minority concerned. By this method we arrive at a principle for measuring out the weightage to the minorities which is both intelligible and reasonable. For, the needs of a minority are capable of more or less exact ascertainment. There will be general agreement that the needs of a minority for political protection are commensurate with the power it has to protect itself in the social struggle. That power obviously depends upon the educational and economic status of the minorities. The higher the educational and economic status of a minority the lesser is the need for that minority of being politically protected. On the other hand the lower the educational and economic status of a minority, the greater will be the need for its political protection.

80. Taking my stand on the sure foundation of the principle of equality on the one hand and the principle of adequacy on the other I feel I must demur to the allotment of seats proposed by my colleagues to the different minorities. My proposal is that out of 140 seats the Mohamedans should have 33 and the Depressed Classes 15. This gives the Mohamedans 23 per cent. and the Depressed Classes 10.7 per cent. of the total seats in the Council. By this, the Mohamedans get nearly 4 per cent. and the Depressed Classes 2 per cent. above their respective population ratios. This much weightage to the respective communities is, in my opinion, reasonable and necessary and may be allowed. Besides my proposal has one thing in its favour and that is, it keeps the ratio of Mohamedan representation unaltered. In the present Council, the Mohamedans have 23 per cent. of the total representation. As a result of my proposal they will have the same ratio of representation in the new Council.

81. In view of the fact that some people disfavoured, I do not say oppose, the degree of representation I have allowed to the Depressed Classes, I think it is necessary that I should clear the cloud by additional explanation. There is no doubt that the initial representation allowed to the Depressed Classes was grossly unfair. The authors of the Joint Report expressly stated (paragraph 153) “we intend to make the best arrangements we can for (the) representation (of the Depressed Classes)”. But this promise was thrown to the wind by the Southborough Committee which was subsequently

appointed to devise franchise, frame constituencies and to recommend what adjustments were needed to be made in the form of the proposed popular Government as a consequence of the peculiar social conditions prevalent in India. So grossly indifferent was the Southborough Committee to the problem of making adequate provision for safeguarding the interests of the Depressed Classes that even the Government of India which was not particular in this matter, felt and called upon in paragraph 13 of then Despatch on the Report of the Southborough Committee to observe : "We accept the proposals (for non-official nomination) generally. But there is one Community whose case appears to us do require more consideration than the Committee gave it. The Report on Indian Constitutional Reforms clearly recognised the problem of the Depressed Classes and gave a pledge respecting them. The castes described as 'Hindus—others' in the Committee's Report though they are defined in varying terms, are broadly speaking all the same kind of people. Except for differences in the rigidity of their exclusion they are all more or less in the position of the Madras Panchamas, definitely outside the part of the Hindu Community which is allowed access to their temples. They amount to about one-fifth of the total population, and have not been represented at all in the Morley-Minto Councils. The Committee's Report mentions the Depressed Classes twice but only to explain that in the absence of satisfactory electorates they have been provided, or by nomination. It does not discuss the position of these people of their capacity for looking after themselves. Nor does it explain the amount of nomination which it suggests for them. Paragraph 24 of the Report (of the Franchise Committee) justified the restriction of the nominated seats on grounds which do not suggest that the Committee were referring to the Depressed Classes. The measure of representation which they proposed for this Community is as follows :

Province	Total population in millions	Population of Depressed classes in millions	Total Seats	Seats for the Depressed Classes
Madras	39.8	6.3	120	2
Bombay	19.5	.6	113	1
Bengal	45.0	9.9	127	1
United Provinces	47.0	10.1	120	1
Punjab	19.5	1.7	85	....
Bihar and Orissa	32.4	9.3	100	1
Central Provinces	12.0	3.7	72	1
Assam	6.0	.3	54	....
	221.2	41.9	791	7

These figures speak for themselves. It is suggested that the one-fifth of the entire population of British India should be allotted seven seats out of

practically 800. It is true that in all the councils there will be roughly a one-sixth proportion of officials who may be expected to bear in mind the interests of the Depressed; but that arrangement is not, in our opinion, what the Report on Reforms aims at. The authors stated that the Depressed Classes should also learn the lesson of self-protection. It is surely fanciful to hope that this result can be expected from including a single member of the Community in an assembly where there are 60 to 90 Caste Hindus. To make good the principles of paragraphs 151, 152, 155 of the Report we must treat the out-castes more generously. . . . .”

82. Even the Joint Select Committee recognised that the Depressed Classes were unjustly treated in the matter of representation by the Southborough Committee. For the Committee in its Report felt bound to observe that “the representation proposed for the Depressed Classes is inadequate. Within the definition are comprised, as shown in the Report of the Franchise Committee, a large proportion of the whole population of India. They think that the Government of India should, as it advises, be instructed to give such classes a larger share of representation by nomination, regard being had to the numbers of Depressed Classes in each Province, and after consultation with the Local Governments. This representation should, if necessary, be in addition to, but not in diminution of, the general electorate.” All this of course was of no avail and the wrong done by the Southborough Committee to the Depressed Classes remained unredressed. The present is not an attempt to give excessive representation to the Depressed Classes. It is only an attempt to rectify the wrong done. Nor can it be said that in suggesting the measure of representation it is open to the objection of being extravagant. For, even the Muddiman Committee which said that there was “a very general recognition of the fact that it is desirable that both these interests (i.e., the labouring classes and the Depressed Classes) should receive further representation” and expressed itself as being “in agreement with this view” proposed to give them 11 seats in a Legislative Council of 113. If 11 seats out of 113 was a reasonable allotment, then the allotment of 15 out of 140 must be admitted to be very moderate. The quota of 15 appears excessive only because the initial quota was small. Those who object to the quota of 15 because it is out of proportion to the existing quota forget that the initial quota of seats which they are adopting as the standard measure is neither just nor proper.

83. There is one other matter which needs to be cleared up. My colleagues in paragraph 16 of their Report in which they discuss the question of the allotment of seats to the Mohamedan community say, “Two of our members, Sirdar Mujumdar and Dr. Ambedkar, are of the opinion that this arrangement can stand only so long as the Lucknow pact stands as regards all provinces.” My colleagues have misunderstood me and have therefore misrepresented me. What I wanted to point out was that as they had not justified communal electorates or the number of seats to be given to the Mohamedans it would be better if they stated in their report that this was

in pursuance of the Lucknow pact. The way in which my colleagues have reported me seems to suggest that I support the Lucknow pact. I take this opportunity to say that the suggestion is quite unwarranted.

## II. Geographical distribution of seats

84. My difference with my colleagues is not confined only to the question of allotment of seats to the different minorities. It extends also to the question of distribution of seats among the different constituencies. One unpleasant feature of the Council as now constituted is the over- representation of some part and an under-representation of the rest. The enormous extent of the evil is made clear by the following figures :

		Area in Square miles	Population	Land Revenue demand for 1925-26	Seats in the Council at present
				Rs.	
Maharashtra	.. ..	47,854	8,536,217	2,18,18,155	25
Gujarat	.. ..	10,118	2,958,849	99,41,264	16
Karnatak	.. ..	18,870	3,188,523	82,91,225	8
Sind	.. ..	46,506	3,279,377	1,03,85,031	19

85. How glaring are the inequalities becomes evident from the above table. Taking population as the basis, Maharashtra and Karnatak are grossly under-represented. Adopting representation of Gujarat as the standard, Maharashtra ought to be allowed 48 seats and Karnatak 17. Even taking revenue as the basis of distribution, Maharashtra and Karnatak have undoubtedly been treated quite unfairly. For, on that basis also Maharashtra is entitled to 32 and Karnatak 15. This demand for equal electoral power is not a mere sentimental demand or a demand for exact electoral symmetry. It has also behind it ample theoretical justification. For, in a system in which the value of a vote is high in one constituency and low in another, it is open to objection that every member of the community has not an equal share with each of the rest of the people in the choice of their rulers. But even if the principle of exact equivalence of all votes be not treated as a fundamental principle of political justice, yet the differences of this kind do not fail to produce the evil consequences of the over-representation of one part of the country or one set of opinions or interests at the expense of the other. Experience has shown that the existing distribution of seats has unduly divided the centre of gravity of legislative and executive action to certain parts of the Presidency to the prejudice of other parts of the Presidency, with the result that the latter have unintentionally been deprived of an adequate share of consideration and attention from the Government. From this practical point of view the existing distribution of seats is a grievance, the justice of which cannot be denied. As matters now stand Karnatak and Maharashtra can never exercise in this Province that influence on the Government to which they consider themselves entitled by

reason of their numbers. This is a substantial grievance which must be keenly felt as indicated by the evidence from Karnatak. This grievance is bound to increase as the responsible character of the Legislative Council increases and with it the influence which it will exercise upon the conduct of public affairs. There is, therefore, too much reason to fear that instead of dying out, the bitterness of feeling will become more and more acute. It is, therefore, proper that at a time when we are overhauling the machinery of Government with a view to make it a representative and a responsible government, this grievance should also be redressed.

86. The evil of over-representation of some parts of this Presidency at the expense of other parts was due to the fact that the Southborough Committee acted quite capriciously and refused to follow any definite principle in the matter of the distribution of seats. I am glad to find that my colleagues have sought to follow a uniform principle in the matter of distribution of seats as far as possible. But my complaint is that they have taken the worst possible principle as the basis of the distribution of seats. Contributions to the exchequer, electors on the roll and population in the constituency are the three conceivable tests that can be adopted as the basis for the distribution of seats. Of these three the test of the electors is the most unjust and indefinite. In the first place where the franchise is so restricted as we now have, it means the rule of wealth. It means that if any particular area on any arbitrary test of property qualification does not produce the basic quota of electors it should go without representation. That this must be inevitable consequence of following the test of electors is clearly brought out in the distribution proposed by the Majority for the Depressed Classes, according to which the Depressed Classes of some parts have enormous representation while those of the other part of the Presidency have no representation at all. A theory which produces such an absurd result must be regarded as indefensible and must be ruled out. Revenue is a better test than the test of electorates. For it may be argued that the power to influence government should be commensurate with the revenue paid to Government. This test must even be rejected as being deceptive and inadequate, owing to the fact that as all revenue might not be paid when it is earned, it would be difficult to know the true revenue of a State. A constituency in which a large revenue is earned may suffer in distribution of seats because it is paid in another. But the most fatal objection to both these tests is that the State does not exist for the benefit of the electors or the tax-payers. Nor does the State limit its coercive action to them. Its jurisdiction extends over all the people who are its subjects irrespective of the question whether or not he is a tax-payer or an elector. From that it follows that the population is the only test for a just and proper distribution of seats. That is the test applied in England and in all countries which have a representative system of government, and I recommend that the seats for the Bombay Legislative Council should be distributed on that basis.

### III. Other aspects of the distribution of seats

87. The want of principle which is noticeable in the distribution of seats among the minorities as proposed by my colleagues is also noticeable in the distribution of seats they have proposed between Capital and Labour, and between Landlords and Tenants. To capital as represented through Commerce and Industry they have given 11 seats, while to labour they give only four. To tenants they give none except what they can scrape through in the general election ; while to the landlords they give five. But this is not correct for if we take into consideration the Sind members and others from the Presidency, the seats to the landlords in the Council might easily come up to forty. Nor can I say that my colleagues have paid sufficient attention to the question of the proper distribution of seats between urban and rural areas. The Legislature is at present too much at the mercy of the rural classes and there is a great danger of governmental powers being exploited in the name of the agriculturists for legalising dangerous fads such as permanent settlements, cheap irrigation and free forests. If such fads are to be kept out of the statute book it is necessary to increase the representation of the urban classes whose representation is not commensurate with their ability or their contribution. It would have been better if my colleagues had left the task of a proper distribution of seats between the different parts of the Presidency to a separate Committee. I cannot say they have succeeded in doing justice to the weaker parties. I would suggest that a separate committee should be appointed to deal with this problem.

### IV. Seats and residential qualification

88. Under rule 6(1)(b) of the Bombay Electoral Rules, a residential qualification is prescribed for candidates for election to the Legislative Council. The rule lays down that "No person shall be eligible for election as a member of the Council to represent a general constituency unless he has for the period of six months immediately preceding the last date fixed for the nomination of candidates in the constituency, resided in the constituency or in a division any part of which is included in the constituency." The rule has been interpreted in this Presidency to mean that actual or habitual residence in the constituency (and not merely a place of residence or occasional visits to it) is necessary before a candidate can stand for election from a particular constituency. Before I give my own opinion on this question I would like to state briefly the history of this restriction so far as this Presidency is concerned. Paragraph 84 of the Joint Report commented on the fact that a noteworthy result of the electoral system then existing was the large percentage of the members of the legal profession who succeeded at elections and went on to point out that so great a predominance of men of one calling in the political field was clearly not in the interests of the general community and suggested that in framing the new constituencies an important object to be borne in mind was to ensure

that men of other class and occupations found a sufficient number of seats in the councils and that it was possible that this could be done by prescribing certain definite qualifications for rural seats. The question was carefully examined by the Southborough Committee, who in paragraph 29 of their report referred to the fact that some of the local governments, namely, those of the United Provinces, Behar and Orissa and Assam did not press for the insertion of the residential qualification, while the Governments of Bengal, Bombay, Madras and the Punjab held that it would be detrimental to the interests of a large proportion of the new electorate to admit as candidates, persons who were not resident in the areas they sought to represent. The majority of the Southborough Committee were on principle opposed to the residential qualification, but they resolved, by way of a compromise, to impose the restriction in the Central Provinces. Bombay and the Punjab but not in the remaining provinces. The Government of India, in expressing their views upon the recommendations of the Southborough Committee, accepted those recommendations, but pointed out that the Committee's treatment of the question had placed them in some difficulty in that while the Committee accepted the views of some of the local governments in favour of the restriction, they discarded the views of some others who equally pressed for it. The Joint Parliamentary Committee on the Government of India Bill recommended that the compromise suggested by the Franchise Committee should be accepted. This was done and the residential qualification was imposed only in the Central Provinces, Bombay and the Punjab. I would point out that subsequent to this the residential qualification was done away with in the Punjab in the revision of the rules which proceeded the General Elections of 1923. The Punjab Government themselves in the opinion which they gave to the Muddiman Committee stated that for the first general elections the residential qualification gave the rural representatives an entry from which they had not been dispossessed, and there appeared to be no adequate reason for restoring the qualification. The position at present therefore is that Bombay and the Central Provinces are the only provinces in which the residential qualification still exists. In the Central Provinces the restriction is not interpreted as strictly as it is in this Presidency. It is, in my opinion, difficult to justify the retention of this restriction in this the most advanced Province in India when provinces much more backward have felt no necessity for it. The retention of this qualification is, in my opinion, to some extent responsible for the election of inferior men to the Councils and for the keeping out of the Councils men of position, ability and proved political capacity who are mostly found in the larger urban areas and who by the existence of the qualification are prevented from seeking election anywhere else if for some reason they are unable to secure election from their own residential area. I therefore recommend that the residential qualification should now be abolished so far as this Presidency is concerned.

## CHAPTER 4

## LUCKNOW PACT

89. I am aware that my recommendations regarding the substitution of joint electorates for communal electorates and the distribution of seats conflict with the terms of the Lucknow Pact in so far as they affect the representation of the Mohamedan community. The representation of the Mohamedan community as settled under the rules framed in 1919 was largely based upon what is known as the Lucknow Pact. This pact embodies an agreement arrived at in 1917 at Lucknow between the Moslem League and the Congress, the former acting on behalf of the Mohamedans and the latter on behalf of the Hindus. It gave to the Mohamedans communal electorates and a varying proportion of seats in the Provincial and Central Legislature. I realise that the views I have put forth on the representation of the Mohamedan community are subversive of this agreement, and I feel that it is incumbent upon me to state why I think that this agreement should be scrapped.

90. My first argument is that the settlement embodied in the Lucknow Pact is wrong settlement. This was admitted by all the local governments. The Government of India in their Despatch reviewing the recommendations of the Franchise Committee to the Secretary of State, reported : "We note that local governments were not unanimous in subscribing to the compact. The Government of Madras framed their own proposals for Mohamedan representation without regard to it. The Bombay Government, while adopting the compact, did not rule out from discussion a scheme of representation upon a basis of population. The Chief Commissioner of the Central Provinces was opposed to separate Mohamedan electorates and considered that the percentage proposed in the compact was 'wholly disproportionate to the strength and standing of the community.' The Chief Commissioner of Assam thought it was a mistake even from a Muslim point of view to give that community representation in excess of their numerical proportion." Nor did the Government of India differ from this view generally held by the Provincial Governments. Evaluating the results of the Lucknow Pact in the different Provinces, they observed, "the result is that while Bengal Mohamedans get only three-quarters and the Punjab Mohamedans nine-tenths of what they would receive upon a population basis, the Mohamedans of other Provinces have got good terms and some of them extravagantly good. We cannot ourselves feel that such a result represents the right relation either between Mohamedans in different Provinces, or between Mohamedans and the rest of the community". Sir William Vincent, in a note of dissent, went so far as to say, "In my view.....we should proceed without regard to the details of the Lucknow Settlement to fulfil our own pledges to the Mohamedans in what we ourselves think is the best way."

91. The wrong in the Lucknow Pact is not so much that it treated the Mohamedans in the different Provinces in a dissimilar manner, providing for them generously in some and niggardly in others. This is comparatively speaking a small matter. The principal defect in the Lucknow Pact is that in allotting the seats to the Mohamedans it did not take into consideration the effect it will have upon other interests. The framers of the pact, as pointed out by the Government of India, failed to remember that whatever advantage is given to the Mohamedans is taken away from some other interest or interests. Sir William Vincent, too, was careful enough to point this out. He also said in his minute of dissent, "The compact meets with much more acceptance than criticism of the present time; but hereafter, when the value of votes and representation comes to be realised, it must be expected that the interests which are hard hit by it will complain with some injustice that the Government of India should have endorsed it." The extent to which this prediction has been realised is remarkable, and the universal dissatisfaction that is felt with the result of the Lucknow Pact is more than sufficient testimony to show that settlement embodied in the Lucknow Settlement is a wrong settlement. Now there can be nothing improper in asking that what is wrongly settled shall be re-settled. Such a demand is bound to meet with opposition from the Mohamedan community. Having obtained representation on an extravagant scale, they are sure to take their stand on precedent and past rights. But as Thomas Paine pointed out, the error of those who reason by precedents drawn from antiquity respecting their rights is that they would not take that time to the starting point when no vested rights existed. If they did they would realise that rights, far from being immutable, are historical accidents and are therefore liable to readjustment from time to time. This must be so, for all political and social progress is based upon the maxim that wrong cannot have a legal descent and that what is not rightly settled is never settled.

This is not the only instance in which a pact like the Lucknow Pact is sought to be revised. The Act of Union between Ireland and England was also a pact of the same sort. It certainly had a far greater binding force than the Lucknow Pact. In fact it was regarded as a treaty which guaranteed to Ireland 100 seats in Parliament. All the same, Mr. Balfour's Government, when it found that the excessive representation granted to Ireland had become a positive wrong, did not hesitate to bring in a Bill in 1905 which would have had the effect of reducing the Irish seats by 30. That owing to the resignation of Mr. Balfour's Government the Bill did not become law is another matter. But the fact remains that a revision of the Irish Settlement in the matter of the representation was not excluded by the fact that the settlement was based upon an agreement between the two parties. Nor was Mr. Balfour agreeable to the view that such revision could be carried out only with the consent of Ireland. Indeed, he had launched upon the scheme of redistribution in the teeth of the Irish opposition. But it is not necessary to go so far a field to find a precedent when there is

one near at hand. The constitution of Ceylon had also given recognition to pacts and agreements between various organisations allowing communal representation and communal distribution of seats. But the Ceylon Commission of 1928 was emphatic in its view that "in any case, in considering afresh the whole problem of representation, private arrangements between races or groups, while worthy of attention, cannot take precedence of considerations in the interests of the Ceylon people as a whole." It had therefore no hesitation in revising the whole scheme of representation in Ceylon out of recognition. What is asked herein is no more than what is done elsewhere.

92. It is further to be remembered that the Lucknow Pact is valueless not merely because its terms, to use the words of Government of India, "were the result rather of political negotiation than of deliberate reason," but also because it was brought about by organisations neither of which had any real authority to speak in the name of those on whose behalf they purported to act. The All-India Muslim League was not entitled to speak for all Mohamedans, and that it was the view of the Government of India in their despatch on the Report of the Southborough Committee is abundantly clear. Regarding the Congress, it is indisputable that it is a body which does not represent the vast mass of the Non-Brahmins and the Depressed Classes. A pact arrived at by organisations which are not constituent assemblies of the mass of people may bind themselves, but they certainly cannot bind the generality of the people. To give the pact an authority as though it was treaty negotiated between duly empowered plenipotentiaries of different States is to assume in the League and the Congress an authority which they did not possess. It has become necessary to assess the binding force of the agreement because of the view taken by the Government of Bombay that, "Any change in the direction of abolishing separate electorates must, however, be based on agreement between the two communities, and cannot be forced on the Mohamedans against their wish. The question is also an All-India one and can hardly be dealt with on different lines for each Presidency. The Government of Bombay adhere to the view which they had expressed in 1916 that communal electorates are not acceptable to them and that their abolition is desirable, if it can be secured with the consent of both parties as in the case of the Lucknow Pact." In my opinion this is an attitude which is as irresponsible as it is dangerous. It is irresponsible because it involves the surrender of the right of Parliament to decide in the matter. That the Government of India thought it wise not to "ignore" the pact, which in their opinion represented a genuine attempt on the part of the two communities upon so highly controversial a subject and "on behalf of the larger community at least a subordination of their immediate interests to the cause of unanimity and united political advance," is true. But that is far from saying that the Government of India or any other authority held the view that on the question of Mohamedan representation

their position was merely to register the decision which the Congress and the League may by mutual negotiations make. Indeed, Sir William Vincent was careful to point out that "in this matter (the Government of India) cannot delegate (its) responsibility to Parliament into other hands."

93. The attitude taken by the Bombay Government is dangerous because, admitting that an error has been committed, it refuses to take upon itself the task of correcting it. I would have looked upon such an attitude as a pardonable sin if the error was not an error in the constitutional arrangement of the country. But unfortunately it is an error in the constitution, and, having found its lodgment in a most vital part thereof, it affects its working in a fatal manner. An error of such a character cannot be tolerated. A mistake in constitutional innovation directly affects the entire community and every part of it. It may be fraught with calamity or ruin, public or private, and correction is virtually impossible. The Government of Bombay practically takes for granted that all constitutional changes are final and must be submitted to, whatever their consequences. Doubtless this assumption arises from a fateful renunciation that in these matters we are propelled by an irresponsible force on a definite path towards an unavoidable end towards destruction. But I am glad to find that the Government of India in accepting the pact did not concede that its terms as embodied in the Act should stand unaltered. Far from leaving the matter shrouded in ambiguity, they made it quite clear that the arrangement was not to stand beyond the first Statutory Commission. In their Despatch on the Report of the South-borough Committee they said: "Before we deal in detail with the Report, 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 solutions upon general reasonings. It was no doubt the case that the exigencies of time alone made any other course difficult for them. But in dealing with their proposals, we have to ask ourselves the question whether the results of such methods are intended to be in any degree permanent..... Whatever be the machinery for alteration, however, we have to face the practical question of how long we intend the first electoral system set up in India to endure. Is it to be opened to reconstruction from the outset at the wish of the Provincial Legislature or is it to stand-unchanged at least until the first Statutory Commission? There are reasons of some weight in either direction. In the interest of the growth of responsibility it is not desirable to stereotype the representation of the different interests in fixed proportion; the longer the separate class and communal constituencies remain set in a rigid mould, the harder it will become to progress towards normal methods of representation. On the other hand, it is by no means desirable to invite incessant struggle over their revision." It is for the Commission to say whether the life of this error shall be prolonged. I have hopes that the Commission will not merely

say, "Well, we feel the force of the objections to principle of the communal system fully. But we cannot help as India has deliberately chosen her road to responsible government." For the Commission will realise that its duty to point out the right road and lead India on to it arises not merely out of a conscientious regard for what is right but also out of the moral obligation of the British authorities who are primarily responsible for pointing out in 1909 this wrong road.

## CHAPTER 5 SECOND CHAMBER

94. My colleagues have recommended the institution of a second chamber as a part of the Provincial Legislature of this Presidency and have suggested a framework for its constitution. I am afraid my colleagues have not devoted sufficient thought to the difficulties pertaining to its construction. In the matter of its composition, a second chamber, if there is to be one, must be different than the first. In the matter of its powers, they must be such that a second chamber can work without impediment to the first chamber. It seems to me to be very difficult to constitute a second chamber which will satisfy both these conditions. A nominated second chamber is out of question. The Canadian Senate is a standing warning against the introduction of a nominated second chamber. It cannot have the moral authority of a popularly elected chamber to command respect for its decisions. Nor can it have the independence possessed by a popularly elected chamber to sit in judgment, as a revising chamber must, over the very executive which brings it into being. If the second chamber is an elective chamber then its working smoothly with the first will depend upon their respective franchise, times of election and their powers. If the second chamber is elected on the basis of a restricted franchise, it is sure to end in the raising of a small group from amongst the aristocracy into a governing class having a special degree of control over the destiny of the masses. Such a second chamber, far from being a revising chamber acting as a check upon the supposed rashness of the lower chamber, will be a chamber which, instead of putting a premium upon improvement in general, will put a premium upon the upkeep of vested interests. It would be dormant under a conservative administration and would be vigilant only under a radical one. When it ought to revise it will refuse, and when it ought to refuse to revise it will revise and may perhaps obstruct. If the two are elected on a uniform franchise, then the second will only be a replica of the first and will be quite superfluous. The same would be the result if the second chamber was elected simultaneously with the first. On the other hand, if the second chamber is elected at a different time than the first, then it is bound to unfeeble the executive and diminish its efficiency. For it would work as a hindrance to adequate policy making and may cause such a violent break in the policy of the executive as to lead to constant general elections.

If the two chambers are coequal in powers there are bound to be deadlocks, and the inevitable result of all deadlocks is an unhappy compromise, if not a total abandonment of the principle in dispute. On the other hand, if the powers of the second chamber are inferior to those of the first, it will not be able to control the supposed rashness of the first chamber and will thus fail to perform the purpose of its life.

95. In framing the constitution of a second chamber my colleagues have ignored all these difficulties. In doing so they have created a second chamber which, if I may say so, has all the faults and none of the virtues which a second chamber should have. In supporting the idea of a second chamber it seems to me that my colleagues have more or less followed the crowd psychology. A widespread existence of second chambers in historical times has given rise to the dogma of political science that a second chamber is a necessary accompaniment of a popular government. But it is forgotten that a two-chamber system which had its origin in England was a purely historical accident. That it found a place in the constitution of other countries was the result of the imitation of the superior by the inferior, and the virtue ascribed to it of serving as a brake on the rashness of the popular chamber is a subsequent invention of the human mind to justify the existence of what had become a universal fact. But it must be noted that this faith in the second chamber has been dwindling of late and that pre-war constitutions like Canada and South Africa and many post-war constitutions like those of Latvia, Lithuania, Esthonia and Yugoslavia have dispensed with the second chamber. This reaction has come about by the growing conviction that a government must be judged not by the symmetry of its structure, but by its practical achievement, by the content of actual service that it renders to the community and by the amount of well-being that it brings to the nation as a whole.

96. Looking at the institution of a second chamber from the utilitarian point of view, I refuse to accept that it can perform the function of a revising chamber. If to revise means to interpret the will of the electorates, I fail to understand how the second chamber is more likely than the first to be correct in its judgment as to what the electoral will is. My view is that the electorate and not the second chamber will be the best judge when such a question arises, unless we suppose that the members of the second chamber by virtue of their position have a greater presence than the members of the lower chamber. I deny that the second chamber possesses any such virtue. Indeed, a second chamber is not only as much likely to fail in correctly gauging the popular will, but its own interests in the matter are likely to give it such a personal bias one way or the other as to make it quite incapable of coming to an independent and rational judgment. It is therefore better, safer and more reasonable to have a single chamber and to throw the responsibility of decision, when doubt arises, upon the electorate which chooses the chamber. Besides, if the idea underlying the second chamber is to delay the decision of the first chamber,

then this is already secured by the Governor having the power to refer back any particular measure which has been passed by the Legislature for reconsideration. If the Legislature does not reconsider, but passes it in original form, the Governor can still stop it by vetoing it. And if the Legislature does not abide by the decision of the Governor, it may compel him to submit the matter in dispute to the electorate by compelling the dissolution of the House. It is therefore obvious that what the second chamber can do or is expected to do, can be done by the Governor with his powers to veto, to refer back and to dissolve. If this is admitted, then a second chamber becomes a useless appendage to a popular chamber.

97. I am sure my colleagues would not have been led away by what exists in some other countries without applying the utilitarian standard if they had made sure that their assumption that a single chamber is likely to pass hasty and ill-conceived laws was based on sure foundations. It seems to me that the assumption is quite unfounded and displays a total ignorance of the working of modern politics. No piece of legislation in modern times is flung upon the Legislature as a surprise. On the other hand every legislative proposal before it is enacted into law goes through a long process of discussion and dissection at the hands of the public extending over a long period of years. Indeed, if the antecedent history of every measure which has found its place in the Statute Book were investigated it would demonstrate that the period that has intervened between the conception of the idea and its enactment into a law has varied more often on the side of length than on the side of brevity. Such being the case the assumption that a popular chamber acts hastily and therefore needs a brake upon its wheels is to prescribe for a disease which does not exist.

98. What however my colleagues are after is not a revising chamber but a governing caste. This is clear from the purpose assigned to it, from the franchise on which it is sought to be built and the powers which are proposed to be given to it I confess I am somewhat surprised that they should have thought that a devolution of powers on the Legislature must be circumscribed by the institution of a second chamber as an insurance against such powers being used to the detriment of a particular community, or a particular interest. For the desire really felt, as I understand it, is not that we should have a reform in which the centre or the balance of political power shall remain unchanged but that within certain limits it shall be surreptitiously shifted in the direction of the mass of the people. To attempt to circumscribe this devolution of power seems to suggest that my colleagues think that the most desirable kind of political reform is one which does not alter the balance of power amongst the different communities concerned. Persons who hold such a view in my opinion either do not know what political reform means or, knowing what it means, do not desire a reform which will disturb the *status quo*. As for myself, I make no mistake about the fact that the essence of all reforms is to change the balance of power among the different classes. If the lower classes gain, some

other class must lose. If each class remains with no more political power than before then there will have been no real reform. It is idle to suppose that either the lower classes or for the matter of that any class interested in reform will be satisfied with a measure, either because it is called political reform or because while proposing to change everything it contrives to keep things where they are. It would be much better to say in plain terms that the scheme of devolution of political power should be so conditioned that the flow of power shall stop with the classes and shall not reach the masses. I must however make it plain that I cannot be a party to any such scheme of reforms.

99. Granting that a second chamber is a necessity there is one supreme difficulty in the way of its formation. The authors of the Montagu-Chelmsford Report had in 1917 carefully considered the question of establishing second chambers in the Provinces. But taking all things into consideration they decided against the proposal. They said, "We see very serious practical objections to the idea. In many provinces it would be impossible to secure a sufficient number of suitable members for two Houses. We apprehend also that a second chamber representing mainly landed and monied interests might prove too effective a barrier against legislation, which affected such interests. Again, the presence of large landed proprietors in the second chamber might have the unfortunate result of discouraging other members of the same class from seeking the votes of the electorates. We think that the delay involved in passing legislation through two Houses would make the system far too cumbrous to contemplate for the business of Provincial Legislature. We have decided for the present therefore against bicameral institution for the Provinces." The objections raised to second chambers in 1917 hold good even today. I am quite certain that this Presidency has not at its command a sufficient number of eminent men to run both the Houses. A second chamber will sap the life of the first or the first will sap the life of the second. There is not enough material to build both. Under such circumstances it is better to have a single efficient chamber than to have two effective ones. For these reasons I oppose the institution of a second chamber in the Presidency.

## CHAPTER 6

### POWERS OF THE LEGISLATURE

100. *Power of appointing and removing the President.* — Prior to the reforms of 1919 the Governor who was the chief of the executive of the Province was the President of the Provincial Legislature. By the changes introduced in 1919 the Provincial Legislature obtained the right of electing one of its members as its President and to remove him from office. This was a valuable privilege. The exercise of this privilege was, however, made subject to certain restrictions inasmuch as the appointment of the President was made subject to the approval and his removal subject to the concurrence

of the Governor. These limitations are the remnants of the time when the Executive was supreme over the Legislature. They are not to be found in the constitution of the dominions. They are incompatible with the independence of the Legislature and must be removed. Granting that the President must be made independent of the executive, question is, must he also be made independent of the judiciary? Section 110 of the Government of India Act defines the officers and the matters in respect of which they are exempt from the jurisdiction of the High Courts. The President of the Legislative Council is not included among the officers who enjoy this immunity. That being the case, the President of the Legislature is subject to the jurisdiction in respect of what he does as a President. That means that his conduct as a President is liable to be questioned in a Court of Law. It is feared that this opens a vast field to vexatious litigation involving great delay in the conduct of the business of the Legislature. This is sought to be remedied by granting exemption to the President from the jurisdiction of the Courts. I am opposed to this change and prefer to leave things as they are.

101. *Power of defining Privileges.*—No one will question the expediency of allowing a Legislature every power reasonably necessary to the existence of such a body, and the proper exercise of the functions which it is intended to execute. The position of the Provincial Legislatures under the existing law is very unsatisfactory. Beyond giving certain immunities to the members of the Legislature and barring the meagre powers given to the President by rule 17 of the Legislative Council Rules for expelling a disorderly member, the law gives no authority to the Legislature to vindicate itself against a wrong calculated to obstruct its work or lower its dignity. Such authority can no longer be withheld from the Legislature. I therefore recommend that the Provincial Legislatures like the Dominion Legislatures should be given the power within prescribed limits to define by law the powers and privileges which it thinks are necessary in its own interest.

102. *Power of regulating Procedure.*—The conduct of business in the Bombay Legislative Council is governed by Rules framed under Section 72D (6) of the Government of India Act supplemented by Standing Orders framed under Section 72D (7) of the same. In the framing of this code of procedure the Provincial Legislature has had no hand. The standing orders were made by the Governor-General in Council, though the Legislature had had the liberty to suggest amendments to them. But the Rules are framed under the provisions of Section 129A by the Governor-General in Council which expressly prohibits the Provincial Legislature from altering or repealing them. I am of opinion that the Provincial Legislature should have the power of regulating its own procedure. The difficulty in giving such freedom to the Provincial Legislatures seems to arise from the fact that some of the Rules embody provisions which in other countries form parts of their constitutional law; so that the power to amend rules virtually become power to alter the constitution. But this difficulty can be easily avoided if an attempt was made to enact such rules as section of the Government of

India Act. If this is done, the recommendation I have made can be easily given effect to and the Provincial Legislatures brought on a par with the Dominion Legislatures of Australia, South Africa and Canada.

103. *Power of Legislation.*—Section 80C of the Government of India Act provides that it shall not be lawful for any member of any local Legislature to introduce, without the previous sanction of the Governor, Lieutenant Governor or Chief Commissioner, any measure affecting the public revenue of a province, or imposing any charge on those revenues. This section is a serious limitation upon the powers of the Legislature. It is a relic of the days when the people had no voice in the administration of the affairs of the country. The retention of these powers will ill-accord with a Legislature supreme over the executive. This section must therefore be deleted. The Governor will still have the power of vetoing any legislation that will be passed by the Council. That power must suffice. More than that will not be consistent with the position he will have to occupy under a system of complete ministerial responsibility.

104. *Power of Appropriation.*—The Legislative Council under Section 72D may assent or refuse its assent to a demand or reduce the amount referred to therein either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed. This power is subject to certain important provisions. In the case of a demand relating to a reserved subject, the Governor has the power of over-ruling the decision of the Legislature if he certifies that the expenditure provided for in the demand is essential to the discharge of his responsibility for the subject. Another proviso limiting the powers of appropriation of the Legislature is contained in Section 72D, Clause (2)(b), by virtue of which the Governor has the “power in cases of emergency to authorise such expenditure as may be in his opinion necessary for the safety or tranquillity of the Province, or for the carrying on of any department.” These are also very serious limitations on the powers of the Legislative Council, and I suggest that they should be removed from the Act. The powers given to the Governor under the first proviso are out of place in a Government which is fully responsible and in which the Governor is not charged with the direction of affairs. The safety and tranquillity of the Province will not be a special concern of the Governor any more than that of the responsible Executive. Consequently the power given by the second proviso to the Governor is unnecessary and should be taken away.

105. Another restraint on the financial powers of the Legislature is embodied in Section 72D(3). By virtue of this, the executive is not required to submit to the Legislature for its vote expenditure on certain specified heads mentioned therein. The result is that the Budget of the Province contains permanent appropriations to a large extent which the Legislative Council cannot touch. Theoretically speaking, every item of expenditure should be sanctioned each year by the Legislature. But the Budget, in almost every country, contains permanent appropriations which do not

require to be voted annually by the Legislature. Even in England there has grown up quite a list of permanent appropriations covering before the War in the aggregate about one-third of the total annual expenditure. Whether the Executive can or cannot be trusted to fix the amount and determine the character of public expenditure depends upon the stage of development at which people have arrived in their realisation of constitutional government. If the stage be such that there exists an uncertainty concerning the political rights of the Government and the people, it would not be safe to permit such permanent appropriations of public moneys without Legislative sanction as are contemplated by Section 72D(3). It is true that the foundation of responsible government in the Provinces is just being laid and the Provincial Legislatures have jealously to guard against the encroachments of the Executive. All the same, it must, I think, be recognised that the right of popular control over public affairs is recognised and will be under the new constitution fully conceded, so that under the various checks upon the arbitrary use of public authority the submission for annual sanction of every item of public expenditure need not be insisted upon. I do not therefore object to this scheme of permanent appropriations. But I object to their being made so by law, thereby curtailing the powers of the Legislature. Their being made a matter of law has had the effect of debarring the Legislature from even discussing the policy underlying the administration of non-votable items. The creation of non-votable items must be a matter of convenience. There ought to be no restraint about them on the Legislature by law.

106. *Power of controlling the Executive.*—Originally Provincial Legislatures under the reformed constitution of 1919 could control the Minister in three ways : (1) by legislation, (2) by refusing supplies, and (3) by refusing or reducing their salaries. The second and the third were the only two ways whereby the Legislature could control the administration by the Ministers. This control could normally be exercised only once a year, and was therefore insufficient. Consequently provision was made in 1926 for a motion regarding want of confidence in a Minister. These powers are sufficient for the Legislature to control the actions of a Minister and were in keeping with the idea that the Ministers were to be individually liable for their actions. The future Ministry will be based upon the principle of joint responsibility under which Ministers will stand together or fall together. There is nothing in the existing powers of the Legislature to indicate that it desires to dismiss the Ministry as a whole. I think provisions to this effect should be made by adding a new class of motion to be called “a motion of no confidence” as distinguished from the existing motion, which should be renamed as “motion questioning a Minister’s policy in a particular matter”. This was suggested by the Muddiman Committee but was not carried out.

107. *Power of altering the Constitution.*—The Provincial Legislatures are bound by the terms of the instrument which has created them. By virtue of that instrument they are made bodies with “plenary powers” possessing

a specific and defined power of government in their territory over all persons. The plenary powers of government do not per se carry a power to alter the constitution itself. There is a desire that the Provincial Legislatures should have the powers of a constituent Assembly to alter the constitution of the Province. There is much that can be said in favour of such a proposal. Parliament having consented to grant self-government to the people of the Province, it is as well that the people of the Province had the right to decide the form of government under which they liked to live. But it must be recognised that there are minorities who will not like their constitutional rights to be determined by the majority, as would be the case if the Provincial Legislatures were allowed the right to alter the constitution. This is the principal reason why the constitution of Canada gives no power to the Canadian Parliament to alter the constitution of Canada. There is, however, the example of South Africa, which shows that the powers of altering the constitution can be conferred on a Legislature without detriment to the position of the minorities. There is therefore no reason why the example of South Africa should not be followed. I recommend that the power of altering the constitution of the Province should be granted to the Provincial Legislature; provided that it shall have no power to alter the provisions regarding the representation of minorities in the Legislature.

108. What special procedure should be prescribed for passing such legislation is a matter which it is very difficult to decide. But it might, however, be stated that the mode of amending the constitution should be such as to make it sufficiently rigid to protect the fundamental rights of the citizens but which should at the same time leave it flexible enough to recognise that development is as much a law of life as existence and to secure deliberation before action and final decision in harmony with the principle of rule by majority. The safest course, it seems to me, would be to prescribe different procedure for different kinds of amendments to the constitution. For the more fundamental amendments the procedure should be more exacting than for amendments to less fundamental parts of the constitution.

## SECTION IV

# PROVINCIAL AUTONOMY

### CHAPTER 1

#### PROVINCIAL GOVERNMENT IN RELATION TO THE GOVERNMENT OF INDIA

109. It is evident that the responsibility of the Executive would be of very little consequence if the Provincial Executive instead of being subordinate to the Provincial Legislature is subordinate to any other body outside the Province or if the Provincial Legislature instead of being supreme within its field is made subject to some other authority in the matter of the exercise of its powers. In other words responsible government must also be autonomous government. To render Provincial Government autonomous it is necessary to demarcate clearly the spheres of operation of the Provincial and Central Governments.

110. Prior to 1919 a Provincial Government was required under Section 45 of the Government of India Act, 1915, to obey the orders of the Governor-General in Council, and keep him constantly and diligently informed of its proceedings and of all matters which ought, in its opinion, to be reported to him, or as to which he requires information, and is under his superintendence, direction and control in all matters relating to the government of its province. This meant that the Provincial Governments had no acknowledged authority of their own in any of the matters which they administered; that whatever powers they exercised were powers which were delegated to them by the Central Government in the same way as a principal delegates his authority to his agent. By the Act of 1919 this relation of the Provincial to the Central Government was made subject to its provisions and rules made thereunder. Section 45 (1) (b) of the Act of 1919 provided "for the devolution of authority in respect of provincial subjects to local governments, and for the allocation of revenues or other moneys to those governments," while Section 45 (3) laid down that "the powers of superintendence, direction, and control local governments vested in the Governor-General in Council under this Act shall, in relation to transferred subjects, be exercised only for such purposes as may be specified in rules made under this Act, but the Governor-General in Council shall be the sole judge as to whether the purpose of the exercise of such powers in any particular case

comes within the purposes so specified." The Act of 1919 therefore made two changes : (1) It gave the provinces authority of their own as distinguished from authority derived as agents of the Government of India. (2) It relieved them of their former obligation to obey the Government of India in regard to those subjects which were transferred to the control of the Ministers but retained its powers of supervision. From this it is clear that there may be a complete transfer of all the subjects to the control of the Ministers; but transfer will always be subject to the powers of supervision of the Government of India involving interference in the freedom of action by the Provincial Government. The question is whether these powers of supervision are necessary and if so whether any other form of relationship between the Provincial and Central Governments can be contemplated in which these powers will be so placed as not to conflict with the autonomy of the Province.

111. By the Act of 1919 and the Rules made thereunder the Provincial subjects are marked off from Central subjects. Notwithstanding this the Provincial Legislature have not been given freedom of action or finality of action in legislating upon Provincial subjects. The powers of Provincial Legislature are restricted in two different ways. In certain matters defined in Section 80A it cannot without the previous sanction of the Governor-General make or take into consideration any law although it might pertain to a matter lying within the Provincial field. In certain other matters Provincial Legislature may pass a law but if the law happens to fall within the purview of Section 81A and rules made thereunder its action becomes subject to the veto of the Governor-General. The combined effect of these two restrictions on Provincial autonomy can be easily understood. The question is whether any other system of relationship between the Provincial and Central Governments can be contemplated in which the powers of the Central Government will not conflict with the autonomy of the Province.

112. The provision regarding supervision by the Central Government over Provincial Government in the matter of administration of Provincial subjects and of previous sanction and subsequent veto by the Central Government of Provincial legislation regarding Provincial subjects is a feature which is not to be found in the constitution of any other country in which the functions of government are divided between two body politics, Central and Provincial, such as Canada, Australia and the United States. The provisions regarding previous sanction have found their way in the Indian constitution as a result of two erroneous suppositions. One is that it is not possible to demarcate functions exclusively. That assumption does not seem to be well-founded. For in Canada the constitution does divide the functions into two distinct classes (1) those which exclusively belong to the Central Government and (2) those which exclusively belong to the Provincial Government making each government absolutely autonomous in the sphere which is allotted to it. The second assumption is that in dealing with those functions which cannot be said to be exclusively Provincial

the only way open is to make their exercise subject to previous sanction and subsequent veto by the Central Government. This again seems to me to be an erroneous assumption. The constitution of Australia and the United States are examples where the constitutions have not divided the functions into two clear cut exclusive divisions as is done in Canada. By the scheme of division of powers and functions adopted by the Australian constitution there are certain matters over which the Central Government has exclusive powers. In certain other matters the powers of the Central Government are concurrent with those of the State Governments. But the matters of concurrent legislation are divided into two categories (1) in which the power of the Commonwealth Parliament operates by way of paramount legislation merely over-riding any exercise by the State of its own powers and (2) in which the Commonwealth has no paramount power. In the United States Governmental powers are distinguished into (1) Powers vested in the Central Government alone, (2) Powers vested in the State Governments alone, (3) Powers exercisable by either the Central Government or the States, (4) Powers forbidden to the Central Government and (5) Powers forbidden to the State Governments. Thus the constitution of Australia and the United States both recognise that there may be functions which cannot be said to exclusively belong to either. But neither of them have adopted the plan of assigning them to one government subject to the previous sanction and subsequent veto of the other government. I recommend that the scheme of division of functions and powers like that of Canada should be tried and failing that the scheme prevalent in Australia or the United States should be adopted. But in any case the provision of previous sanction and subsequent veto should be done away with.

113. The provision whereby the Central Government has been invested with powers of supervision over subjects which have been transferred to Provincial control is partly due to want of clear cut allocation of subjects between Central and Provincial and partly to an erroneous view of the responsibility of the Central Government for the administration of Provincial subjects. The power of supervision is sought to be justified on the ground that certain subjects are of importance for Central Government. This reason will not survive a proper allocation of the subjects on the Canadian, Australian or American lines. The other justification for the powers of supervision is the view that the Government of India must be responsible for the peace, order and good Government of India as a whole and that it may discharge its own responsibilities, it must have the power of supervision. It seems to me that with the partition of functions there must follow a partition of responsibilities as well. If these responsibilities are partitioned and that of the Central Government confined to matters arising out of matters assigned to it, the necessity for supervision over Provincial Governments will vanish and I suggest that the clauses in the Government

of India Act which define the responsibilities of the Central Government should be amended accordingly.

114. While I am anxious to see that there should be established complete Provincial autonomy I am opposed to any change which will in any way weaken the Central Government or which will impair its national character or obscure its existence in the eye of the people. Holding this view I am against making the Central Government a league composed of a number of governments bound together to constitute for certain purposes a single body. The effect of such an arrangement is obvious. The league will exist only as an aggregate of governments, and will therefore vanish as soon as the governments decide to separate themselves from one another. Such a Central Government will last only as long as the component governments will desire it to last. The league being a confederacy of governments will have to deal with and act upon the governments only. With the individual citizen it will have very little to do. It will have no right to tax the individual, to adjudicate upon his causes or to make laws for him. Such a Central Government is bound to be the weakest government possible. My conception of the position of the Central Government will not permit me to reconcile myself even to such a form of relationship as is found in the American constitution in which the Central Government is a commonwealth as well as a union of commonwealths. It is true that under it the Central Government acts immediately upon every individual through its courts and executive officers. But it is equally true that the Central Government in the United States is a creature of the States. Having been called into existence by the States it must stand or fall with the States. The States retain all the powers which they have not expressly surrendered. The Central Government has no more powers than those that have been conferred upon it by law. Such a Central Government, howsoever stronger it may be than a Central Government in a league, will not in my opinion be strong enough for the needs of India. My view is that the national Government should be so placed as not to appear to stand by virtue of the Provincial Governments. Indeed its position should be so independent that not only it should survive even when all Provincial Governments have vanished or changed into wholly different bodies but it should have the power to carry on provincial administration when a Provincial Government by rebellion or otherwise has ceased to function. Consequently on this aspect of the question I make the following recommendations: (1) That all residuary powers must be with the Central Government, (2) that there must be a specific grant of power to the Central Government to coerce a recalcitrant or a rebellious Province acting in a manner prejudicial to the interests of the country, (3) that all powers given to the Provincial Government in case of its non-functioning shall return to the Central Government and (4) that the election to the Central Legislature shall be direct.

## CHAPTER 2

**PROVINCIAL GOVERNMENT IN RELATION TO THE CROWN**

115. For the purpose of securing Provincial autonomy it is not sufficient merely to lay down proper relations between the Provincial Government and the Central Government. It is also necessary to define the status of the Provincial Government. This is of practical importance principally in respect to their external relations. That the Provinces cannot have any international status goes without saying. But the question of their relationship with the Home Government stands on a different footing and cannot be easily disposed of. It is clear that whatever the nature of the relationship between the Provincial and Home Government it must be in keeping with the constitutional law of the country. The degree of independent political existence of a Province must determine the angle from which the problem is to be looked at. Are the Provinces to be treated so very devoid of independent political existence that they are to be treated as mere internal divisions comparable with the areas of local Government, unknown and unrecognised beyond India itself? If so, that Imperial Government would know but one Indian authority, the Central Government, and would in all matters affecting India address itself to that Government and receive communications from or through it alone. On the other hand, have the Provincial Governments an independent political existence in the eye of the law? If they can be said to have it, then the Imperial Government must recognise them and must in all provincial matters address them and must receive communication from them. Of these two possible bases of relationship there is no doubt that the latter is the more proper one. An independent political existence for the Provinces is now an accomplished fact. They have a sphere of activity in which they have an authority of their own. The whole scheme of reforms is opposed to the subordination of the Provincial Governments to the Central. The chief executive of the Province is not a nominee of the head of the Central Government. He is the representative of the Crown in the Province and not of the Governor-General. The constitution is a pluralistic constitution and there is nothing to suggest the view that while within India the constitution is to be treated as plural, conferring distinct powers on each, it is to be treated by the Imperial Government as a unitary constitution with a single responsible Government.

116. What are the matters in which the right of Provincial Governments to deal directly with the Home Government can be recognised? Following the role prevalent in the case of the Australian Commonwealth that in matters in which the Crown is concerned solely in its capacity as part of the constitution of a Government, communications proceed directly between the State Governor and the Colonial Office without the intervention of the Governor-General, it must be claimed on behalf of the Provincial Governments that they shall have the right to deal with the Home Government directly without the intervention of the Central Government. The

matters in which it must have such a right must include the reservation, the allowance and disallowance of provincial legislation, the appointment and removal of Provincial Governors and their instructions, the amendment of provincial constitutions and other matters which exclusively belong to the Provincial Governments. What about matters which do not exclusively belong to either Government? I suggest that in cases in which the Central Government has paramount power of legislation, the Central Government is the sole representative of India. But as to matters within concurrent jurisdiction of the Central and Provincial Government, the Provincial Government must have a right to direct representation.

117. To make the political existence of the Provinces as an entity independent of the Government of India a reality, the representation of the Crown in the Provincial Executive and the Provincial Legislature should be made more manifest than it is at present. Under the existing law the Secretary of State has placed the Crown quite in the background and has in fact usurped its place. The office of the Secretary of State for India is analogous to the office of the Secretary of State for Colonies. But the two play quite different roles. The Secretary of State for Colonies occupies no place in the constitutional law of the Dominions. The constitutional laws of all the Dominions are emphatic in their declaration that their Executive and Legislative Government is vested in the Crown. Section 2 of the Government of India Act gives a definite legal status to the Secretary of State. So prominent is the position given to the Secretary of State that he has altogether eclipsed the Crown. Indeed, except for a passing reference in Section 1 there is no mention of the Crown anywhere in the Government of India Act. The reasons for this are no doubt historical and go back to the passing of the Regulation Act of 1773 when the East India Company disputed the right of the Crown to the possessions it had acquired in the East. Whatever be the historical differences the fact remains that the Dominion laws do not recognise the Secretary of State while the Indian law does. The result is that the Secretary of State for Colonies does not govern the Dominions. His duty is to advise the Crown to allow or disallow particular acts of the Dominion Governments. The Secretary of State on the other hand is not merely the adviser of the Crown. By Section 2 of the Government of India Act he has been given the fullest powers of government.

118. The provisions contained in Section 2 cannot be justified under any circumstance. They are derogatory to the position of the Crown and are a perversion of the true position of a Secretary of State. They gave a false picture of the position of the Provincial Governments. Whatever might have been the justification of the provisions in Section 2 before 1919 the changes introduced in that year have removed it altogether. The powers of government having been transferred to the people it is no longer possible to retain those powers in the hands of the Secretary of State. To do so would be to introduce a system of double government fraught with

the possibilities of serious conflict. I therefore recommend that section (2) of the Government of India Act should be deleted and two new sections of the following tenor should be added :—

- (1) The Legislative power of the Province shall be vested in a Provincial Parliament which will consist of the King and a Council of the King and a Council of Representatives and which is hereinafter called “The Provincial Legislature”.
- (2) The Executive power of the Province is vested in the King and is exercisable by the Governor as the King’s representative and extends to the execution and maintenance of the constitution and of the laws of the Province.

Sections of similar import regarding the position of the Crown in the Government of India should be added to Act of 1919. Such a change will not only help to place the Crown and the Secretary of State in their true position, but they will also help to bring the constitutional law of India in line with the constitutional law of the Dominions.

## SECTION V

# PUBLIC SERVICES

### I. Reorganisation of Services

119. *Separation of Services.*—The present organisation of the public services in India is the outcome of the recommendations of the Aitchison Commission which inquired into the Public Service of India in 1886-87. Prior to the appointment of the Commission the great bulk of the civil posts of higher responsibility and emoluments were filled by recruits from Europe and that Commission was expressly directed to suggest measures which would “do full justice to the claims of natives of India to higher and more extensive employment in the Public Service” of their country. The Commission held the view that the Civil Service should be only “a Corps d’elite” and consequently recommended that the recruitment of officials in England should be substantially reduced and the higher appointments so set free transferred to a service locally recruited in India. As a result of these recommendations officers recruited in England formed Imperial Services and the officers locally recruited formed the Provincial Services. The conditions of appointments in regard to pay, leave and pension of officers belonging to the two services were to be fixed on independent grounds and were not necessarily to have any relation to each other. This division into Imperial and Provincial obtains in most of the Civil Services of the country which it is needless to detail. What is important to bear in mind is that the division was made to distinguish officers recruited in England and officers recruited in India and not as might be understood from the description, in order to distinguish officers placed under the Government of India and liable to serve all over India from officers placed under Local Governments and liable to serve only in specified provinces. For instance the officers belonging to the Provincial services in the Telegraph (Engineering) and the Survey of India are directly under the Government of India and not confined to any particular province while officers in the Imperial Service in the Education and the Police Departments are allotted to different provinces. In my opinion time has arrived when each Province should be free to organise its own civil service. For this the All-India character of the services must cease. There should be Central Civil Service recruited and maintained in response to its own needs by the Central Government to run various departments which are handed over

to it by the Government of India without imposing upon its members the liability to serve under any of the Provincial Governments. Similarly there should be a Provincial Civil Service recruited and maintained in response to its own needs by every Provincial Government exclusively for its own employment. This recommendation cannot be said to involve any substantial change in the system. For although members of the Imperial Service and Provincial Service are liable to serve in any part in India, their All-India character is only nominal. For the cases in which a member of the Civil Service whether Imperial or Provincial has been called upon to serve in a Province different from the one in which he was originally posted are few. Almost all of them continued to work to the end in the same Province in which they were placed in the beginning. That being the case the reform which I have suggested will involve no change. It will only recognise facts as they exist.

120. The grounds on which I press for this reform in the organisation of the Civil Service are many. First of all such a separation of the services into those which are Central in the sense that they are in the employment of the Government of India and those which are Provincial in the sense that they are in the employment of the Provincial Government has this immense advantage, namely that it is a reform which is eminently called for by the change in the character of the Provincial Government. If the present system was continued, ministerial responsibility would be difficult of realisation. Public Servants in India according to Section 96(B) of the Government of India Act no doubt hold their position during the pleasure of the Crown. But it must be remembered that the Act does not allow the Ministers the power to decide when His Majesty should be pleased to remove him from office. Although that power is given to the authority who appoints him yet the dismissed officer has been given a right of appeal to the Secretary of State. Not only the Minister has no right of dismissing an officer, but he cannot even punish him with impunity, because it is provided in the Act that if any officer appointed by the Secretary of State in Council thinks himself wronged by an order of an official superior in a Governor's Province he has a right to complain to the Governor and the Governor by the Act as well as by the instrument of instructions is bound to inquire and pass such an order as may appear to him just and equitable. These provisions must make any Minister, however strong he may be, quite helpless against a recalcitrant member of the Civil Service who refuses to carry out the policy for which the Minister is responsible to the legislature in accordance with its wishes. Ministerial responsibility requires that a Minister shall have power effectively to deal with an erring officer working under him. He must also have the power to decide how many officers he must have and to what particular post any of them might be appointed. The existing provisions do not permit him any of the powers he must stand in sore need of. This anomaly was recognised by the Lee Commission which was appointed soon after the reforms were introduced. That Commission

recommended that no further recruitment should take place in the transferred departments on an All-India basis and the personnel required for them should in future be recruited and appointed by Provincial Governments. As a result of this recommendation Provinces have been empowered to frame rule for the recruitment of officers who will take the place of the existing All-India Service Officers in these services operating in the transferred department when the latter vacate. The reform I have suggested is merely an extension of the same principle which the necessities of the case have compelled the authorities to accept. The extension cannot now be delayed for the reason that under a fully responsible system of Government the distinction between Reserved and Transferred will have vanished.

121. The second advantage of a separate and independent Provincial Civil Service will be the liberty it will give to the Provincial Governments to alter the cadre of the services belonging to the Province. The draw-back of the All-India system is that a Minister who is satisfied that there are several superfluous posts ordinarily held by the members of the All-India Service and a larger number the duties of which can be and in the temporary vacancies have been efficiently discharged by the more moderately paid officers of the Provincial Services, and who might therefore be convinced of abolishing such a post or transferring it to the cadre of a Provincial Service finds himself powerless to do so. For, under the Act he has no such power. All that he can do is to let such post remain in abeyance or to let an officer of the Provincial Service concerned officiate for a lengthened period. But even here his powers are limited. For, under the rules he cannot do this beyond fixed number of months without the sanction of the Secretary of State. This is a very serious limitation arising out of the All-India Organisation of the Services in that it prevents the attainment of the ends of economy for which the Reformed Council has been clamouring from its very inception.

122. These are not the only advantages of an independent system of Provincial Civil Service. The All-India character of the service imposes upon the provinces a uniformity in the conditions of employment in, relation to pay, leave allowances, promotions and pensions. I contend that such uniformity must work great hardships upon the resources of comparatively poor Provinces. They are obliged to pay more for the service than they can reasonably afford. Nor can it be said that uniform scale of salary in all Provinces is necessary to ensure equality in the standard of living. It is notorious that owing to differences in local conditions the same standards of comfort can be had in two different Provinces on quite different salary. If that is the case there is no reason why should uniformity in pay be enforced when such uniformity is either burdensome or unjust.

123. The requirement of uniformity in the conditions of service also arises directly out of the All-India character of the Civil Service and it will not vanish unless the service ceases to have that character. The constitution of an independent Provincial Civil Service is a means for accomplishing

this end and should be welcomed particularly when its accomplishment can reduce the cost of administration and give the Provinces full liberty to manage its own affairs. This of course means that the position of the Secretary of State *vis-a-vis* the Provincial Governments in the matter of recruitment to the public service must be radically altered. The Secretary of State instead of being the general employer and the Provincial Government indenting upon him for the number of hands necessary for work in their provinces, the Secretary of State in those cases where the recruitment in England is necessary should merely act as the agent of particular provinces concerned, on the terms prescribed by the Provincial Government and not on the terms formulated by himself. The Provinces should henceforth cease as authorities utilising the service of persons lent to them or found for them, so to say, by the Secretary of State. So long such a system continues the Secretary of State is bound to claim the powers which he now enjoys under Section 96B of the Government of India Act. Much is said by the Ministers against the powers retained by the Secretary of State over the Civil Service on the ground that they make responsible government impossible. That criticism is perfectly valid. But those who urged this criticism do not seem to be aware of the fact that these powers can be taken away only when the Secretary of State ceases to be the recruiting officer.

124. If this reform of separation of services is carried into effect, I should like to suggest the following classification of the Provincial Civil Service : —

Provincial Civil Service

Superior Service	Subordinate Service	Clerical Service	Menial Service
Class I equivalent to the present I.C.S. and the Imperial Services.	Class II equivalent to the present Provincial Services.		

125. *Recruitment Agency for the Provincial Civil Service.*—The next question that arises for consideration relates to the agency that should be in charge of matters pertaining to the recruitment to the Provincial Civil Service when the Secretary of State has ceased to perform that function. I accept that the Civil Service in order that it may be free from the evil effects of political influence and jobbery should be recruited and controlled by an authority independent of the Ministers. I am not, however, prepared to say that a Provincial Civil Service Commission could be instituted to take charge of this kind of work. On financial considerations alone the proposal seems to be too big. However, I agree with the suggestion that in every province there should be a full-time officer specially charged with the

consideration of service matters. He should be a liaison officer between the Public Service Commission and the Local Government.

## II. Indianisation of the Services

126. (i) *Recruitment of Indians.*—The case for Indianisation was accepted by the Islington Commission in 1915. Its relation to the success of the Reforms was emphasised by the authors of the Joint Report and the Lee Commission gave effect to it by defining the proportion between the Indians and the Europeans in the different services. There is, therefore, no necessity to argue the case for Indianisation *de novo*. All that is necessary to say is that during the interval that elapsed between the appointment of the Islington Commission and the appointment of Lee Commission the angle of vision regarding this question had completely altered. In the days of the Islington Commission the question was, “How many Indians should be admitted into the Public Services?” At the time of the Lee Commission it had become, “what is the minimum number of Englishmen which must still be recruited?” I am glad to say that the Lee Commission gave full recognition to this altered angle of vision. What is now necessary is to determine the necessary changes in the principles which were taken by the Lee Commission for framing the proportions of Indians and Europeans so as to accelerate the pace of Indianisation. The consideration that should, in my opinion, govern the proportions is the requirement of a Department and the merits of qualified Indians to run them. If this consideration were adopted the proportions settled by the Lee Commission will have to be altered in favour of Indians in all departments except Law and Order, Forest and other Technical Departments.

127. (ii) *Payment of Indians.*—I press for Indianisation not only on its own merits but also because of its potential effects on the finances of the Province. For, I hope that Indianisation can be made to yield economy in administration. I have not been personally able to see why equality of pay to Indians and Europeans should be regarded as a necessary consequence of membership of an All-India Service. Looking to the question from the standpoint of merit I have been convinced that there is no logical justification for equal remuneration for both classes of public servants. One class consists of a body of public servants exiled from their own home and posted in a country thousands of miles away in which they do not think that they can properly educate their children or maintain their health. Conditions such as these which compel them to maintain dual establishments at a standard of living admittedly high are considerations which do not apply to those civil servants who have their domicile in India. In contrast to their European colleagues they are working in a country in which they are living free from the difficulties of dual establishments not exposed to ill-health owing to climatic considerations and accustomed to a comparatively low standard of living. The financial burden they are obliged to carry is obviously less pressing than is the case with their European colleagues. If this difference

between personal risk and sacrifices involved in the performance of their service is admitted, then in my opinion, there is no logical justification for paying them on the same basis. Indeed, if the total position of the two classes of public servants in India be compared then one thing is certain. That if the present salary of European officers is adequate then it is beyond dispute that the Indian officers are overpaid. If, however, the contention is that the Indian officers are not overpaid then it follows that the European officers are underpaid. Whichever view is taken the present practice of equal pay to Indians and Europeans gives rise to a position which is quite unsatisfactory. I have no hesitation in saying that under the present practice of equal payment whether or not the European is adequately paid his Indian colleagues is certainly overpaid. That being my view I am anxious to see that the scale of salary of public servants with Indian domicile is lower. This argument, I am sure, cannot fail to appeal to every Indian who examines the financial position of the different Provincial Governments and the serious embarrassments in which each is placed by reason of the high proportion of expenditure which is devoted to the payment of emoluments to public servants. There are some Indians I know who object to this principle of inequality in salaries. Be it noted that these objections come from those classes of Indians from which the Civil Service is largely recruited, and who claim to be the leaders of the country. Theirs is a contemptible little argument without any substance in it. It has no substance because inequality in status is not a necessary consequence of inequality in pay. It is contemptible because it is based on self-interest. I for myself am in favour of increasing Indianisation mainly because of the large promise of economy which it holds out.

128. (iii) *Indianisation and the claims of the Backward Classes.*—It is notorious that the Public Services of the country in so far as they are open to Indians have become by reason of various circumstances a close preserve for the Brahmins and allied castes. The Non-Brahmins, the Depressed Classes and the Mohamedans are virtually excluded from them. They are carrying on an intense agitation for securing to themselves what they regard as a due share of the Public Services. With that purpose in view they prefer the system of appointment by selection to the system of appointment by open competition. This is vehemently opposed by the Brahmins and the allied castes on the ground that the interests of the State require that efficiency should be the only consideration in the matters of appointment to public offices and that caste and creed should count for nothing. Relying upon educational merit as the only test which can be taken to guarantee efficiency, they insist that public offices should be filled on the basis of competitive examinations. Such a system it is claimed serves the ends of efficiency without in any way prohibiting the entry of the Backward Classes in the Public Services. For the competitive examination being open to all castes and creeds it leaves the door open to a candidate from these communities if he satisfied the requisite test.

129. The attitude of the Brahmin and allied castes towards this question has no doubt the appearance of fairness. The system of competitive examination relied upon may result in fairness to all castes and creeds under a given set of circumstances. But those circumstances presuppose that the educational system of the State is sufficiently democratic and is such that facilities for education are sufficiently widespread and sufficiently used to permit all classes from which good public servants are likely to be forthcoming to complete. 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, so that to invite Backward Classes to rely upon the results of competitive examination as a means of entry into the Public Services is to practise a delusion upon them and very rightly the Backward Classes have refused to be deceived by it.

130. Assuming therefore that the entry of the Backward Classes in the Public Services cannot be secured by making it dependent upon open competition, the first question that arises for consideration is, have the Backward Classes a case for a favoured treatment? Unless they can make good their case they cannot expect any modification of the accepted principles of recruitment by considerations other than those of efficiency pure and simple. In regard to this important question I have no hesitation in stating that the Backward Classes have a case which is overwhelming.

131. First of all those who lay exclusive stress upon efficiency as the basis for recruitment in public services do not seem to have adequate conception of what is covered by administration in modern times. To them administration appears to be nothing more than the process of applying law as enacted by the legislature. Beyond question that is a very incomplete understanding of its scope and significance. Administration in modern times involves far more than the scrutiny of statutes for the sake of knowing the regulations of the State. Often times under the pressure of time or from convenience a government department is now-a-days entrusted with wide powers of rule-making for the purpose of administering a particular law. In such cases it is obvious that administration cannot merely consist in applying the law. It includes the making up of rules which have the force of law and of working them out. This system of legislation by delegation has become a very common feature of all modern governments and is likely to be on the increase in years to come. It must be accepted as beyond dispute that such wide powers of rule-making affecting the welfare of large classes of people cannot be safely left into the hands of the administrators drawn from one particular class which as a matter of fact is opposed to the rest of the population in its motives and interests, does not sympathise with the living forces operating in them, is not charged with their wants, pains, cravings and desires and is inimical to their aspirations, simply because it comes out best by the test of education.

132. But even assuming that administration involves nothing more than the process of applying the law as enacted by the legislature it does not in

the least weaken the case of the Backward Classes. For, officers who are drawn from a particular caste and in whose mind consciousness of caste sits closer than conscientious regard to public duty, may easily prostitute their offices to the aggrandizement of their community and to the detriment of the general public. Take the ordinary case of a Mamlatdar, administering the law relating to the letting of Government lands for cultivation. He is no doubt merely applying the law. But in applying he may pick and choose the lessees according to his predilection and very possibly may decide against lessees on grounds which may be communal in fact although they may be non-communal in appearance. Take another illustration of an officer placed in charge of the census department in which capacity he is called upon to decide questions of nomenclature of the various communities and of their social status. An officer in charge of this department by reason of his being a member of particular caste in the course of his administration may do injustice to a rival community by refusing to it the nomenclature or the status that belongs to it. Instances of favouritism, particularly on the grounds of caste and creed are of common occurrence though they are always excused on some other plausible ground. But I like to quote one which pertains to the Vishwakarmans of the Madras Presidency. It is related in their letter to the Reforms Enquiry Committee of 1924 in which they complained that "a Brahmin member of the Madras Executive Council Sir (then Mr.) P. Siwaswami Ayyar—when he was in charge of the portfolio of law, issued a Government Order objecting to the suffix 'Acharya' usually adopted by the Vishwakarmans in their names and seeking to enforce in its place the word 'Asry', which is weighed with common odium. Though there was neither necessity nor authority to justify the action taken by the law member, the Government Order was published by the law department as if on the recommendation of the Spelling Mistakes Committee. It happened to our misfortune that the non-official members of this Committee were drawn largely from the Brahmin community, who never knew how to respect the rights of their sister communities and never informed us of the line of action that they were decided upon. It was dealt more or less as the star in the dark."

133. This is inevitable. Class rule must mean rule in terms of class interests and class prejudices. If such results are inevitable then it must raise a query in the minds of all honest people whether efficient government has also given us good government? If not, what is the remedy? My view is that the disadvantages arising from the class bias of the officers belonging to Brahmin and allied castes has outweighed all the advantages attending upon their efficiency and that on the total they have done more harm than good. As to me remedy, the one I see is a proper admixture of the different communities in the public service. This may perhaps import a small degree of inefficiency. But it will supply a most valuable corrective to the evils of class bias. This has become all the more necessary because of the social struggles that are now going on in the country. The struggles between the

Brahmins and the non-Brahmins, between Hindus and Mohamedans, between Touchables and Untouchables for the destruction of all inequalities and the establishment of equality, with all their bitterness, cannot leave the judges, magistrates, civil servants and the police without being influenced in their judgment as to the right or wrong of these struggles. Being members of the struggling communities they are bound to be partisans, with the result that there may be a great loss in the confidence reposed by the public in their servants.

134. So far I have considered the case of the Backward Classes on grounds of administrative utility. But there are also moral grounds why entry into the public service should be secured to them. The moral evils arising out of the exclusion of a person from the public service were never so well portrayed as by the late Mr. Gokhale. In the course of a telling speech he observed, "The excessive costliness of the foreign agency is not however its only evil. There is a moral evil, which, if anything, is even greater. A kind of dwarfing or stunting of the Indian race is going on under the present system. We must live all the days of our life in an atmosphere of inferiority and tallest of us must bend in order that the exigencies of the existing system may be satisfied. The upward impulse, if I may use such an expression, which every school-boy at Eton or Harrow may feel that he may one day be a Gladstone, a Nelson, or a Wellington, and which may draw forth the best efforts of which he is capable, is denied to us. The full height to which our manhood is capable of rising can never be reached by us under the present system. The moral elevation which every self-governing people feel cannot be felt by us. Our administrative and military talents must gradually disappear, owing to sheer disuse, till at last our lot, as hewers of wood and drawers of water in our own country, is stereotyped." Now what one would like to ask those who deny the justice of the case of the Backward Classes for entry into the Public Service is whether it is not open to the Backward Classes to allege against the Brahmins and allied castes all that was alleged by the late Mr. Gokhale on behalf of Indian people against the foreign agency? Is it not open to the Depressed Classes, the non-Brahmins and the Mohamedans to say that by their exclusion from the Public Service a kind of dwarfing or stunting of their communities is going on? Can they not complain that as a result of their exclusion they are obliged to live all the days of their lives in an atmosphere of inferiority, and that the tallest of them has to bend in order that the exigencies of the existing system may be satisfied? Can they not assert that the upward impulses which every school-boy of the Brahmanical community feels that he may one day be a Sinha, a Sastri, a Ranade or a Paranjpye, and which may draw forth from him the best efforts of which he is capable is denied to them? Can they not indignantly assert that the full height to which their manhood is capable of rising can never be reached by them under the present system? Can they not lament that the moral elevation which every self-governing people feel cannot be felt by them and that their

administrative talents must gradually disappear owing to sheer disgust till at last their lot as hewers of wood and drawers of water in their own country is stereotyped? The answers to these queries cannot but be in the affirmative. If to exclude the advanced communities from entering into public service of the country was a moral wrong, the exclusion of the backward communities from the same field must also be a moral wrong, and if it is a moral wrong it must be righted.

135. These are the considerations which lead me to find in favour of the Backward Classes. It will be noticed that these considerations are in no way different from the considerations that were urged in favour of Indianisation. The case for Indianisation, it must be remembered, did not rest upon efficient administration. It rested upon considerations of good administration. It was not challenged that the Indian was inferior to the European in the qualities that go into the make-up of an efficient administrator. It was not denied that the European bureaucracy had improved their roads, constructed canals on more scientific principles, effected transportation by rail, carried their letters by penny post, flashed their messages by lightning, improved their currency, regulated their weights and measures, corrected their notions of geography, astronomy and medicine, and stopped their internal quarrels. Nothing can be a greater testimony to the fact that the European bureaucracy constituted the most efficient government possible. All the same the European bureaucracy, efficient though it was, was condemned as it was found to be wanting in those qualities which make for human administration. It is therefore somewhat strange that those who clamoured for Indianisation should oppose the stream flowing in the direction of the Backward Classes, forgetting that the case for Indianisation also includes the case for the Backward Classes. Be that as it may, I attach far more importance to this than I attach either to Provincial Autonomy or to complete responsibility in the Provincial Executive. I would not be prepared to allow the devolution of such large powers if I felt that those powers are likely to fall in the hands of any one particular community to the exclusion of the rest. That being my view I suggest that the following steps should be taken for the materialisation of my recommendations : —

(1) A certain number of vacancies in the Superior Services, Class I and Class II, and also in the Subordinate Services, should every year be filled by system of nomination with a pass examination. These nominations should be filled on the recommendation of a select committee composed of persons competent to judge of the fitness of a candidate and working in conjunction with the Civil Service officer referred to above. Such nominations shall be reserved to the Depressed Class, the Mohamedans and the Non-Brahmins in the order of preference herein indicated until their numbers in the service reach a certain proportion.

(2) That steps should be taken to post an increasing number of officers belonging to these communities at the headquarters.

---

(3) That a Central Recruitment Board should be constituted as a central agency for registering all applications for appointments and vacancies and putting applicants in touch with the offices where vacancies exist or occur from time to time. It is essential to put the man and the job in touch if this desire is to be achieved. The absence of such a Board is the reason why the efforts of the Government of Bombay in this connection have not achieved the success which was expected of them.

## SECTION VI

# SUMMARY OF RECOMMENDATIONS

### SECTION I

There should be no separation of Karnatak or Sind from the Bombay Presidency.

### SECTION II

*Chapter 1.*—There should be complete responsibility in the Provincial executive subject to the proviso that if members of the Legislature resolve to make it a reserved subject effect shall be given to their resolution.

*Chapter 2.*—Under no circumstances should the executive be made irremovable. There shall be no communal representation in the executive. Ministers should be amenable to courts of law for illegal acts. The constitution should provide for the impeachment of Ministers. There should be joint responsibility in the executive. The executive should be presided over by a Prime Minister and not by the Governor.

*Chapter 3.*—The Governor should have the position of a constitutional head. He should have no emergency powers.

### SECTION III

*Chapter 1.*—There should be adult franchise.

*Chapter 2.*—The Legislature should be wholly elective. All class and communal electorates should be abolished except for Europeans. Reserved seats should be provided for Mohamedans, Depressed Classes and Anglo-Indians and to the Non-Brahmins only if the franchise continues to be a restricted one.

*Chapter 3.*—The Legislature should consist of 140 members. Of these Mohamedans should have 33 and the Depressed Classes 15. The under-representation of certain districts and the over-representation of others should be rectified on the basis of population. There should be a Committee to adjust seats between different classes and interests. The requirement of a residential qualification for a candidate should be removed.

*Chapter 4.*—Lucknow Pact is not a permanent settlement and cannot prevent consideration of the question arising out of it afresh and on their own merits.

*Chapter 5.*—There should be no second chamber in the Province.

*Chapter 6.*—The Legislature should have the power of appointing and removing the President, of defining its privileges and regulating its procedure. Sections 72D and 80C of the Government of India Act should be removed from the Statute. The Legislature should have the power to move “a motion of non-confidence”. The Legislature should have the power to alter the constitution subject to certain conditions.

#### SECTION IV

*Chapter 1.*—There should be complete Provincial autonomy. The division of functions between Central and Provincial should be reconsidered with a view to do away with the control of Central Government now operating through the system of previous sanction and subsequent veto.

*Chapter 2.*—Within the limits fixed by the functions assigned to the Provincial Government the relations between that Government and the Home Government should be direct and not through the medium of the Central Government. Section 2 of the Government of India Act should be deleted as it obscures the position of the Crown in relation to the governance of India.

#### SECTION V

There should be a distinct Provincial Civil Service and the Secretary of State should cease altogether to perform the function of a recruiting agency. His functions regarding the Services may be performed by a Provincial Civil Service Commission or by an officer acting conjointly with the Public Service Commission of India. Indianisation of Services should be more rapid. Its pace should vary with the nature of the different departments of State. Indianisation should be accompanied by a different scale of salary and allowances. In the course of Indianisation of the services arrangement should be made for the fulfilment of claims of the backward classes.

17th May 1929

B.R. AMBEDKAR



question as to educating 'the masses', the 'hundred and forty millions', the 900,000 boys in the Bombay Presidency disappears. The object is not one that can be attained or approximated to by Government, and Educational Boards ought not to allow themselves to be distracted from a more limited practical field of action by the visionary speculations of uninformed benevolence."

### **Views of Court of Directors as to the best method of operation with limited means**

*"Paragraph 15.* The Honourable Court appear to have always kept the conclusion which has been arrived at in the last paragraph very distinctly in view. Perceiving that their educational efforts to improve the people could only be attempted on a very small scale, they have deemed it necessary to point out to their different Governments the true method of producing the greatest results with limited means. We have already cited their injunctions to the Madras Government on this head (paragraph 7), and their despatch to the Government on the same date enforces sentiment of exactly the same import : ' It is our anxious desire to afford to the higher classes of the natives of India the means of instruction in European sciences and of access to the literature of civilised Europe. The character which may be given to the classes possessed of leisure and natural influence ultimately determines that of the whole people.' "

### **Inquiry as to Upper Classes of India**

*"Paragraph 16.* It being then demonstrated that only a small section of the population can be brought under the influence of Government education in India, and the Honourable Court having in effect decided that this section should consist of the 'upper classes', it is essential to ascertain who these latter consist of. Here it is absolutely necessary for the European inquirer to divest his mind of European analogies which so often insinuate themselves almost involuntarily into Anglo-Indian speculations. Circumstances in Europe, especially in England, have drawn a marked line, perceptible in manners, wealth, political and social influence, between the upper and lower classes. No such line is to be found in India, where, as under all despotisms, the Will of the Prince was all that was requisite to raise men from the humblest condition in life to the highest station, and where, consequently, great uniformity in manners has always prevailed. A beggar, according to English notions, is fit only for the stocks or compulsory labour in the workhouse ; in India he is a respectable character and worthy indeed of veneration according to the Brahminical theory, which considers him as one who has renounced all the pleasures and temptations of life for the cultivation of learning and undisturbed meditation on the Deity."

### **Upper Classes in India**

*"Paragraph 17.* The classes who may be deemed to be influential and in so far the upper classes in India, may be ranked as follows : —

- 1st. The landowners and jaghirdars, representatives of the former

feudatories and persons in authorities under Native powers, and who may be termed the Soldier class.

2nd. Those who have acquired wealth in trade or commerce or the commercial class.

3rd. The higher employees of Government.

4th. Brahmins, with whom may be associated though at long interval those of higher castes of writers who live by the pen such as Parbhus and Shenvis in Bombay, Kayasthas in Bengal, provided they acquire a position either in learning or station.”

### **Brahmins the most Influential**

*Paragraph 18.* Of these four classes incomparably the most influential, the most numerous and on the whole easiest to be worked on by the Government, are the latter. It is a well-recognised fact throughout India that the ancient Jaghirdars or Soldier class are daily deteriorating under our rule. Their old occupation is gone, and they have shown no disposition or capacity to adopt a new one, or to cultivate the art of peace. In the Presidency the attempts of Mr. Elphinstone and his successors to bolster up a landed aristocracy have lamentably failed; and complete discomfiture has hitherto attended all endeavours to open up a path to distinction through civil honours and education to a race to whom nothing appears to excite but vain pomp and extravagance, of the reminiscences of their ancestors' successful raids in the plains of Hindusthan, nor among the commercial classes, with a few exceptions, is there much greater opening for the influences of superior education. As in all countries, but more in India than in the higher civilized ones of Europe, the young merchants or trader must quit his school at an early period in order to obtain the special education needful for his vocation in the market or the counting house. Lastly the employees of the state, though they possess a great influence over the large numbers who come in contact with Government, have no influence, whatever, with the still larger numbers who are independent of Government; and, indeed, they appear to inspire the same sort of distrust with the public as Government functionaries in England, who are often considered by the vulgar as mere hacks of the state.”

### **Poverty of Brahmins**

*Paragraph 19.* The above analysis, though it may appear lengthy, is nevertheless, indispensable, for certain important conclusions deducible from it. First, it demonstrates that the influential class whom the Government are able to avail themselves of in diffusing the seeds of education are the Brahmins and other high castes Brahmannis proximi. But the Brahmins and these high castes are for the most part wretchedly poor; and in many parts of India the term Brahmin is synonymous with ‘beggar’ ”

### **Wealthy classes will not at present support superior education**

*Paragraph 20.* We may see, then, how hopeless it is to enforce what your Lordship in Council so strongly enjoined upon us in your letter of the 24th April, 1850,— what appears, *prima facie*, so plausible and proper in

itself — what in fact, the Board themselves have very often attempted, viz., the strict limitation of superior education ‘to the wealthy, who can afford to pay for it, and to youths of unusual intelligence.’ The invariable answer the Board has received when attempting to enforce a view like this, has been, that the wealthy are wholly indifferent to superior education and that no means for ascertaining unusual intelligence amongst the poor exist until their faculties have been tested and developed by school training. A small section from among the wealthier classes is no doubt displaying itself, by whom the advantages of superior education are recognised, it appears larger in Bengal, where education has been longer fostered by Government, than in Bombay, and we think it inevitable that such class must increase, with the experience that superior attainments lead to distinction, and to close intercourse with Europeans on the footing of social equality ; but as a general proposition at the present moment, we are satisfied that the academical instruction in the arts and sciences of Europe cannot be based on the contributions either of students or of funds from the opulent classes of India.”

### **Question as to educating low castes**

“*Paragraph 21.* The practical conclusion to be drawn from these facts which years of experience have forced upon our notice, is that a very wide door should be opened to the children of the poor higher castes, who are willing to receive education at our hands. But here, again, another embarrassing question arises, which it is right to notice : If the children of the poor are admitted freely to Government Institutions what is there to prevent all the despised castes — the Dheds, Mhars, etc., from flocking in numbers to their walls ?”

### **Social Prejudices of the Hindus**

“*Paragraph 22.* There is little doubt that if a class of these latter were to be formed in Bombay they might be trained, under the guiding influence of such Professors and masters as are in the service of the Board, into men of superior intelligence to any in the community ; and with such qualifications, as they would then possess, there would be nothing to prevent their aspiring to the highest offices open to Native talent — to Judgeships, the Grand Jury, Her Majesty’s Commission of the Peace. Many benevolent men think it is the height of illiberality and weakness in the British Government to succumb to the prejudices which such appointments would excite into disgust amongst the Hindu community, and that an open attack should be made upon the barriers of caste.”

### **Wise observations of the Honourable Mount Stuart Elphinstone cited**

“*Paragraph 23.* But here the wise reflections of Mr. Elphinstone, the most liberal and large minded administrator who has appeared on this side of India, point out the true rule of action. ‘It is observed,’ he says, ‘that the missionaries find the lowest caste the best pupils ; but we must be careful how we offer any special encouragement to men of that description ; they are not only the most despised but among the least numerous of the

great divisions of society and it is to be feared that if our system of education first took root among them, it would never spread further, and we might find ourselves at the head of a new class, superior to the rest in useful knowledge, but hated and despised by the castes to whom these new attainments would always induce us to prefer them. Such a state of things would be desirable, if we were contented to rest our power on our army or on the attachment of a part of the population but is inconsistent with every attempt to found it on a more extended basis.' ”

B

**STATEMENT**

**concerning the state of education of the Depressed Classes in  
the Bombay Presidency**

*submitted by*

Dr. Bhimrao R. Ambedkar, M.A., PH.D. . D.SC, BAR-AT-LAW  
Member of the Legislative Council, Bombay

*on behalf of the*

**Bahishkrita Hitakarini Sabha**

(Depressed Classes Institute of Bombay)

*to the*

**Indian Statutory Commission**

29th May 1928

Damodar Hall  
Parel, Bombay-12  
INDIA

***N.B.*—In this statement the expressions Backward Classes and  
Depressed Classes are used interchangeably.**

### I. From 1813 to 1854

1. Education under the British Rule in the Bombay Presidency must be said to have begun with the foundation of the Bombay Education Society in 1815. That Society did not continue its efforts to the education of European children. Native boys were encouraged to attend its schools at Surat and Thana and at the beginning of 1820 four separate schools for natives had been opened in Bombay and were attended by nearly 250 pupils. In August of the same year further measures were taken to extend native education. A special committee was appointed by the Society to prepare school-books in the Vernacular Languages and to aid or establish vernacular schools. But the wide scope of the undertaking was soon seen to be beyond the aims of a society established mainly for the education of the poor; and in 1822 the committee became a separate corporation, thenceforth known as the *Bombay Native School-book and School Society* which name was in 1827 changed into the *Bombay Native Education Society*. The Honourable Mount Stuart Elphinstone was the new Society's first President. The Vice-Presidents were the Chief Justice and the three members of the Executive Council of the Bombay Government; and the managing committee consisted of twelve European and twelve native gentlemen, with Captain George Jervis R.E., and Mr. Sadashiv Kashinath Chhatre as Secretaries. The Society started its work with a grant of Rs. 600 per mensem from the Government. As early as 1825 the Government of Bombay had along side begun to establish primary schools at its own expense in district towns and had placed them under the control of the Collectors. To co-ordinate the activities of these two independent bodies there was established in 1840 a Board of Education composed of six members, 3 appointed by Government and 3 appointed by the Native Education Society. This Board was in charge of the Education Department till the appointment of the Director of Public Instruction in 1855.

2. On the 1st March 1855 when the Board was dissolved there were in the Presidency of Bombay under the charge of the Board 15 English Colleges and schools having 2,850 students on the Register and 256 vernacular schools having 18,888 students on the Register. In the same report it is stated by the Board :

“24. In August [1855] we received a petition from certain inhabitants of Ahmednagar, praying for the establishment of *a school for the education of low castes* and engaging to defray one-half the teacher's salary, in accordance with the terms of the late rules. A school room had been built by the petitioners and the attendance of boys was calculated at thirty. The establishment of such a school was opposed to the prejudices of the richer and higher castes, and there was some difficulty in procuring a teacher on a moderate salary, but as the application was made in strict accordance with the conditions stated in the late notification on the subject, we readily complied with the request, and the school was opened in November. *We merely mention the subject, as it is the first occasion on which we have established a school for these castes.*” (Italics not in the original).

3. The statement by the Board that this was the first occasion when a school for the low castes was established in this Presidency naturally raises the question what was the policy of the British Government in the matter of the education of the Depressed classes before 1855? To answer this question it is necessary to have a peep into the history of the educational policy of the British Government in this Presidency from 1813 to 1854. It must be admitted that under the Peshwa's Government the Depressed classes were entirely out of the pale of education. They did not find a place in any idea of state education, for the simple reason that the Peshwa's Government was a theocracy based upon the canons of Manu, according to which the Shudras and Atishudras (classes corresponding to the Backward classes of the Education Department), if they had any right to life, liberty and property, had certainly no right to education. The Depressed classes who were labouring under such disabilities naturally breathed a sigh of relief at the downfall of this hated theocracy. Great hopes were raised among the Depressed classes by the advent of the British Rule. Firstly because it was a democracy which they thought believed in the principle of one man one value, be that man high or low. If it remained true to its tenets, such a democracy was a complete contrast to the theocracy of the Peshwa. Secondly the Depressed classes had helped the British to conquer the country and naturally believed that the British would in their turn help them, if not in a special degree, at least equally with the rest.

4. The British were for a long time silent on the question of promoting education among the native population. Although individuals of high official rank in the administration of India were not altogether oblivious of the moral duty and administrative necessity of spreading knowledge among the people of India, no public declaration of the responsibility of the state in that behalf was made till the year 1813 when by section 43 of the Statute 53 George IV chap. 155, Parliament laid down that "one of the surplus revenues of India a sum of not less than one lakh of rupees in each year shall be set apart and applied to the revival and improvement of literature and the encouragement of the learned natives of India, and for the introduction and promotion of a knowledge of sciences among the inhabitants of British territories in India etc." This statutory provision however did not result in any systematic effort to place the education of the natives upon a firm and organized footing till 1823. For the Court of Directors in their despatch dated 3rd June 1814 to the Governor-General in Council, in prescribing the mode of giving effect to section 43 of the statute of 1813 directed that the promotion of Sanskrit learning amongst the Hindus would fulfil the purposes which Parliament had in mind. But what a disappointment to the Depressed classes there was when systematic efforts to place the education of the natives upon a firm and organized footing came to be made!! For the *British Government deliberately ruled that education was to be a preserve for the higher classes.* Lest this fact should be regarded as a fiction, attention is

invited to the following extracts from the Report of the Board of Education of the Bombay Presidency for the year 1850-51 :

“Paragraph 5th. Thus the Board of Education at this Presidency having laid down a scheme of education, in accordance with the leading injunctions of Despatches from the Honourable Court, and founded not more on the opinions of men who had been attentively considering the progress of education in India, such as the Pearl of Auckland, Major Candy and others, than on the openly declared wants of the most intelligent of the natives themselves, the Board, we repeat, were informed by your Lordship’s predecessor in Council that the process must be reversed.

“Paragraph 8th. Equally wise, if we may be permitted, to use the expression, do the indications of the Hon. Court appear to us to be as to the quarters to which Government education should be directed, and specially with the very limited funds which are available for this branch of expenditure. The Hon. Court write to Madras in 1830 as follows : *‘The improvements in education, however, which most effectively contribute to elevate the moral and intellectual condition of a people, are those which concern the education of the higher classes—of the persons possessing leisure and natural influence over the minds of their countrymen. By raising the standard of instruction amongst these classes you would eventually produce a much greater and more beneficial change in the ideas and the feelings of the community than you can hope to produce by acting directly on the more numerous class. You are, moreover, acquainted with our anxious desire to have at our disposal a body of natives qualified by their habits and acquirements to take a larger share and occupy higher situations in the civil administration of their country than has been hitherto the practice under our Indian Government.’* Nevertheless, we hear on so many sides, even from those who ought to know better of the necessity and facility for educating the masses for diffusing the arts and sciences of Europe amongst the hundred or the hundred and forty millions (for number count for next to nothing) in India, and other like generalities indicating cloudy notions on the subject, that a bystander might almost be tempted to suppose the whole resources of the State were at the command of Educational Boards, instead of a modest pittance inferior in amount to sums devoted to single establishment in England.

“Paragraph 9th. The arguments adduced in the few last paragraphs appear to show that a careful examination of the real facts, and an analysis of the principal phenomena which have displayed themselves in the course of educational proceedings in the Presidency, would not be without their uses, if made with sufficient industry and impartiality to ensure confidence, and with a firm determination to steer clear of bootless controversy and all speculative inquiries. The present epoch, also, appears

especially to command itself for such a retrospect, as in 1850 the second decennial period commenced, during which the Schools of the Presidency have come under exclusive control of a Government Board ; and it is obvious that as a considerable body of information ought now to have been accumulated, and as the majority of the present members have had seats at the Board during the greater portion of that time, they would fain hope that by recording their experience, they may shed some light on certain obscure but highly interesting questions, which are certain to arise from time to time before their successors at this Board.

“Paragraph 10th. We now proceed to give as minute a detail as comports with our limits, of the principal educational facts which have forced themselves upon our notice, and we think it will clearly appear, when those facts are duly appreciated, that many of the disputed questions, which arise in the Indian field of education, will be seen to solve themselves, and that a system is generally evolving itself in other Presidencies as well as in Bombay, which is well suited to the circumstances of the country, and which, as the growth of spontaneous development, denotes that general causes are at work to call it forth.

**A uniform system developing itself spontaneously both in Bengal and Bombay.**

Paragraph 11th. In the return on the following page, a comparative view is given of the number of schools and of pupils receiving education under Government at the period when the Establishments first came under the control of the Board, in 1840 and in April 1850. It shows, in the latter period, an addition of four English and 83 vernacular schools and a general increase in pupils of above a hundred per cent. The total number receiving Government education at present is 12,712 in the following proportions : —

**Statistics of education in Bombay.**

English Education	...	...	1,699
Vernacular Education	...	...	10,730
Sanskrit Education	...	...	283

[comparison from tables : in 1840 there were 97 schools; number of pupils 5,491. In 1850, number of schools 185 and number of pupils 12,712.]

“Paragraph 12th. But the population of the Bombay Presidency is now calculated by the most competent authorities to amount to ten millions. **Same subject.** Now on applying the rule of statistics deduced from the Prussian census as noticed in a former Report, (1842-43, page 26) a population of this amount will be found to containing fewer than 900,000 male children between the ages of seven and fourteen years and of course, fit subjects for school. It follows, therefore, that Government at this Presidency has not been able to afford an opportunity for obtaining education to more than one out of every sixty-nine boys of the proper school going age.

“Paragraph 13th. Further, it is admitted that education afforded in the Vernacular School is far from efficient. A great portion of the strictures of Mr. Willoughby’s Minute is directed against the defective character and insignificant results of these schools. The Board, not only acknowledge this fact, but they have been studious to point it out prominently for many years past, and indeed, in the opinion of some competent observers, have drawn too unfavourable a picture of the vernacular schools. But what are the obvious remedies for the defects indicated ? Mr. Willoughby describes them very correctly : ‘a superior class of school masters, normal schools, more efficient supervision, additions to the vernacular literature.’ These are all subjects, however, which have occupied the attention of the Board for many years past, and as to which not a step can be made in advance without additional expenditure. But we are given to understand from the letter of your Lordship in Council that’ it is not probable the Government will have the power, for a considerable time to come, to afford the Board additional pecuniary assistance.’

**Conclusion that no means exist for educating the masses.**

“Paragraph 14th. It results most clearly from these facts, that if sufficient funds are not available to put 175 vernacular schools into a due state of organisation, and to give a sound elementary education to 10,730 boys, all question as to educating ‘the masses’, the ‘hundred and forty millions’, the 900,000 boys in the Bombay Presidency disappears. The object is not one that can be attained or approximated to by Government; and Educational Boards ought not to allow themselves to be distracted from a more limited practical field of action by the visionary speculations of uninformed benevolence.

**Views of Court of Directors as to the best method of operation with limited means.**

“Paragraph 15th. The Hon. Court appear to have always kept the conclusion which has been arrived at in the last paragraph very distinctly in view. Perceiving that their educational efforts to improve the people could only be attempted on a very small scale, they have deemed it necessary to point out to their different Governments the true method of producing the greatest results with limited means. We have already cited their injunctions to the Madras Government on this head (Para 7) and their despatch to the Government on the same date enforces sentiment of exactly the same import : *‘It is our anxious desire to afford to the higher classes of the Natives of India the means of instruction in European sciences and of access to the literature of civilized Europe. The character which may be given to the classes possessed of leisure and natural influence ultimately determines that of the whole people.’*

**Inquiry as to upper classes of India.**

“Paragraph 16th. It being then demonstrated that only a small section of the population can be brought under the influence of Government education in India, and *the Hon’ble court having in effect decided that this section should consist of the ‘upper classes’, it is essential to ascertain who these latter*

*consist of.* Here it is absolutely necessary for the European inquirer to divest his mind of European analogies which so often insinuate themselves almost involuntarily into Anglo-Indian speculations. Circumstances in Europe, especially in England have drawn a marked line, perceptible in manners, wealth, political and social influence, between the upper and lower classes. No such line is to be found in India, where, as under all despotisms, the Will of the Prince was all that was requisite to raise men from the humblest condition in life to the highest station and where, consequently great uniformity in manners has always prevailed. A beggar, according to English notions, is fit only for the stocks or compulsory labour in the work-house ; in India he is a respectable character and worthy indeed of veneration according to the Brahminical theory, which considers him as one who has renounced all the pleasures and temptations of life for the cultivation of learning and undisturbed meditation on the Deity.

“Paragraph 17th. The classes who may be deemed to be influential and **Upper classes in India.** in so far the upper classes in India, may be ranked as follows :

1st. The landowners and jaghirdars, representatives of the former feudatories and persons in authorities under Native powers, and who may be termed the Soldier class.

2nd. Those who have acquired wealth in trade or, commerce or the commercial class.

3rd. The higher *employees* of Government.

4th. Brahmins, with whom may be associated though at long interval those of higher castes of writers who live by the pen such as Parbhus and Shenvis in Bombay, Kayasthas in Bengal, provided they acquire a position either in learning or station.

“Paragraph 18th. Of these four classes incomparably the most influential, **Brahmins the most influential.** the most *numerous*, and on the whole easiest to be worked on by the Government, are the latter. It is a well-recognized fact throughout India that the ancient Jaghirdars or Soldiers class are daily deteriorating under our rule. Their old occupation is gone, and they have shown no disposition or capacity to adopt new one, or to cultivate the art of peace. In the Presidency the attempts of Mr. Elphinstone and his successors to bolster up a landed aristocracy have lamentably failed; and complete discomfiture has hitherto attended all endeavours to open up a path to distinction through civil honours and education to a race to whom nothing appears to excite but vain pomp and extravagance, of the reminiscences of their ancestors’ successful raids in the plains of Hindusthan, nor among the commercial classes with a few exceptions, is there much greater opening for the influences of superior education. As in all countries, but more in India than in the higher civilized ones of Europe, the young merchants or trader must quit his school at an early period in order to obtain the special education needful for his

vocation in the market or the counting house. Lastly the employees of the state, though they possess a great influence over the large numbers who come in contact with Government, have no influence, whatever, with the still larger numbers who are independent of Government; and, indeed, they appear to inspire the same sort of distrust with the public as Government functionaries in England, who are often considered by the vulgar as mere hacks of the state.

“Paragraph 19th. *The above analysis, though it may appear lengthy, is nevertheless, indispensable, for certain important conclusions deducible from it. First, it demonstrates that the influential class whom the Government are able to avail themselves of in diffusing the seeds of education are the Brahmins and other high castes Brahmannis proximi.* But the Brahmins and these high castes are for the most part wretchedly poor; and in many parts of India the term Brahmin is synonymous with ‘beggar’.

**Poverty of Brahmins.**

**Wealthy classes will not at present support superior education.**

“Paragraph 20th. We may see then, how hopeless it is to enforce what your Lordship in Council so strongly enjoined upon us in your letter of the 24th April 1850,—what appears, *prima facie*, so plausible and proper in itself—what in fact, the Board themselves have very often attempted, viz. the strict limitation of superior education ‘to the wealthy, who can afford to pay for it, and to youths of unusual intelligence.’ The invariable answer the Board has received when attempting to enforce a view like this, has been, that the wealthy are wholly indifferent to. superior education and that no means of ascertaining unusual intelligence amongst the poor exist until their faculties have been tested and developed by school training. A small section from among the wealthier classes is no doubt displaying itself, by whom the advantages of superior education are recognized, it appears larger in Bengal, where education has been longer fostered by Government, than in Bombay, and we think it inevitable that such class must increase, with the experience that superior attainments lead to distinction, and to close intercourse with Europeans on the footing of social equality; but as a general proposition at the present moment, we are satisfied that the academical instructions in the arts and sciences of Europe cannot be based on the contributions either of students or of funds from the opulent classes of India.

“Paragraph 21st. *The practical conclusion to be drawn from these facts which years of experience have forced upon our notice, is that a very wide door should be opened to the children of the poor higher castes, who are willing to receive education at our hands.* But here, again, another embarrassing question arises, which it is right to notice : *If the children of the poor are admitted freely to Government Institutions what is there to prevent all the despised castes—the Dheds, Mhars etc., from flocking in numbers to their walls ?*

**Question as to educating low castes.**

“Paragraph 22nd. *There is a little doubt that if a class of these latter were to be formed in Bombay they might be trained, under the guiding influence of such Professors and masters as are in the service of the Board, into men of superior intelligence to any in the community; and with such qualifications, as they would that possess, there would be nothing to prevent their aspiring to the highest offices open to Native talent—to Judgeships, the Grand Jury, Her Majesty’s Commission of the Peace. Many benevolent men think it is the height of illiberality and weakness in the British Government to succumb to the prejudices which such appointments would excite into disgust amongst the Hindu community, and that an open attack should be made upon the barriers of caste.*

**Social Prejudices  
of the Hindus.**

“Paragraph 23rd. *But here the wise reflections of Mr. Elphinstone, the most liberal and large-minded administrator who has appeared on this side of India, point out the true rule of action. ‘It is observed,’ he says, ‘that the missionaries find the lowest castes the best pupils; but we must be careful how we offer any special encouragement to men of that description; they are not only the most despised, but among the least numerous of the great divisions of society and it is to be feared that if our system of education first took root among them, it would never spread further, and we might find ourselves at the head of a new class, superior to the rest in useful knowledge, but hated and despised by the castes to whom these new attainments would always induce us to prefer them. Such a state of things would be desirable, if we were contented to rest our power on our army or on the attachment of a part of the population but is inconsistent with every attempt to found it on a more extended basis.’ ”*

**Wise observations  
of the Hon Mount  
Stuart Elphinstone  
cited.**

5. It is, therefore, obvious that if no schools were opened for Depressed classes before 1855 in the Bombay, Presidency it was because the deliberate policy of the British Government was to restrict the benefits of education to the poor higher castes chiefly the Brahmins. Whether this policy was right or wrong is another matter. *The fact, however, is that during this period the Depressed classes were not allowed by Government to share in the blessings of education.*

## II. From 1854 to 1882

6. In their Despatch No. 49 of 19th July 1854 the Court of Directors observed : “Our attention should now be directed to a consideration, if possible, still more important, and one which has hitherto, we are bound to admit, too much neglected, namely, how useful and practical knowledge, suited to every station in life, may be best conveyed to the great mass of the people who are utterly incapable of obtaining any education worthy of the name by their own efforts ; and we desire to see the active measures of Government more especially directed, for the future, to this object, for

the attainment of which we are ready to sanction a considerable increase of expenditure." This despatch is very rightly regarded as having laid the foundation of mass education in this country. The results of this policy were first examined by the Hunter Commission on Indian Education in 1882. The following figures show what was achieved during the period of 28 years :

*Primary Education*

1881-82

	No. of scholars at school	Per cent on total
Christians .. .. .	1,521	.49
Brahmins .. .. .	63,071	20.17
Other Hindus .. .. .	2,02,345	64.69
Mohamedans .. .. .	39,231	12.54
Parsis .. .. .	3,517	1.12
Aboriginal and Hill Tribes .. .. .	2,713	.87
Low caste Hindus .. .. .	2,862	.87
Jews and others .. .. .	373	.12

*Secondary Education*

1881-82

	Middle Schools		High Schools		
	No of scholars at schools	P.c. on total No. of scholars	No. of scholars at schools	P.c. on total No. of scholars	
	Christians .. .. .	1,429	12.06	111	2.26
Brahmins .. .. .	3,639	30.70	1,978	40.29	
Other Hindus	Cultivators	624	5.26	140	2.85
	<b>Low castes</b>	<b>17</b>	<b>.14</b>	..	..
	Other castes	3,823	32.25	1,573	32.04
Mohamedans .. .. .	687	5.80	100	2.04	
Parsis .. .. .	1,526	12.87	965	19.66	
<b>Aboriginal and Hill Tribes</b> ..	<b>6</b>	<b>.05</b>	..	..	
Others (including Jews etc.) ..	103	.87	92	.86	

*Collegiate Education*

1881-82

	No. of scholars	P. c. on total No. of scholars
Christians .. .. .	14	3
Brahmins .. .. .	241	50
Other Hindus	Cultivators .. .. .	1
	Low castes .. .. .	0
	Other castes .. .. .	21.3
Mohamedans .. .. .	7	1.5
Parsis .. .. .	108	21.5
<b>Aboriginal and Hill Tribes</b> ..	0	0
Others (including Jews etc.) ..	2	0.4

7. What do these figures show ? *They show that although mass education was the policy of the Government the masses were as outside the pale of education as they were before the year 1854 and that the lowest and aboriginal classes of the Hindus still remained lowest in order of education; so much so that in 1881-82 there was no student from that community either in the High Schools or in the Colleges of this Presidency.* What can this failure to bring the Depressed classes to the level of the rest in the matter of education be due to ? To answer this question it is necessary again to go into the history of the educational policy of the Government of this Presidency.

8. The Despatch of the Court of Directors of the year 1854, for the first time recognized after a lapse of full 40 years that the duty of the state was to undertake the education of the great mass of the people. But there were still die-hards who had great misgivings as to the wisdom of the principle laid down in that Despatch and who were agitating for a reversal of that policy. The fears of dire consequences to the British Rule arising from elevating the Backward classes above their station in life still haunted men like Lord Ellenborough, President of the Board of Control who in a letter to the Chairman of the Court of Directors dated 28th of April 1858 did not hesitate to strike the following note of caution :

“Gentlemen : Many letters have been lately before me reviewing the state of education in different parts of India under the instructions sent by the Court of Directors in 1854, and I confess that they have not given me the impression that the expected good has been derived from the system which was then established, while all the increase of charge which might have been expected appears to be in progress of realization.

\*                      \*                      \*                      \*                      \*

“Paragraph 11. I believe we rarely, if ever induce parents of the lower class to send their children to our schools, and we should practically, if we succeeded in extending education as we desire, give a high degree of mental cultivation to the labouring class, while we left the more wealthy in ignorance.

“Paragraph 12. This result would not tend to create a healthy state of society. Our Government could not offer to the most educated of the lower class the means of gratifying the ambition we should excite.

“Paragraph 13. We should create a very discontented body of poor persons, having, through the superior education we had given to them, a great power over the mass of the people.

“Paragraph 14. *Education and civilization may descend from the higher to the inferior classes, and so communicated may impart new vigour to the community, but they will never ascend from the lower classes to those above them; they can only, if imparted solely to the lower classes, lead to general convulsion, of which foreigners would be the first victims.*

“Paragraph 15. *If we desire to diffuse education, let us endeavour to give it to the higher classes first.*

“Paragraph 16. These are but two ways of doing this — by founding colleges to which the higher classes alone should be admitted, and by giving in the reorganization of the army, commissions at once, to such sons of native gentlemen as may be competent to receive them.”

9. This antipathy of the European officers towards the untouchable classes was finally corrected by the Secretary of State for India in his despatch of 1859 which again reiterated the responsibility of Government for mass education.

10. Singular as it may appear *the recognition by the Government of its responsibility for mass education conferred upon the Depressed classes a benefit only in name*. For, although, schools were opened for the masses in the various districts the question of the admission of the Depressed classes to these schools had yet to be solved. Such a question did practically arise in the year 1856. But the decision of the Government was not favourable to the Depressed classes as will be seen from the following extracts from the Report of the Director of Public Instruction for the Bombay Presidency for the year 1856-57 :

“Paragraph 177. *Schools for Low castes and wild tribes*. There are no low class schools established directly by Government, and the supreme Government has expressed disapproval of such schools. The ordinary schools entirely supported by the state are in theory open indifferently to all castes. In the course of observation of my Report 1855-56 the Government issued the following order : “*The only case as yet brought before Government in which the question as to the admissions of the pupils of the lowest class to Government schools has been raised, was that of a Mahar boy on whose behalf a petition was submitted in June 1856, complaining that though willing to pay the usual schooling fee, he had been denied admission to the Dharwar Government School.*”

“On this occasion Government felt a great practical difficulty which attended the adjudication of a question in which their convictions of abstract right would be in antagonism to the general feelings of the mass of the natives, for whose enlightenment, to the greatest possible extent, the Government Educational Department has been established; and *it was decided as will appear from the Resolution\* passed at the time with some hesitation, that it would not be right for the sake of a single individual, the only Mahar*

---

\*Text of the Resolution passed by Government on the 21st July 1856 :—

1. The question discussed in the correspondence is one of very great practical difficulty.
2. There can be no doubt that the Mahar petitioner has abstract justice on 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 ere long removed.
3. 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 Government summarily remove by interfering in his favour, as he begs them to do.

*who had ever come forward to beg for admission into a school attended only by the pupils of castes and to force him into association with them, at the probable risk of making the institution practically useless for the great mass of natives."*

The proceedings of the Government of Bombay in this matter were noticed in the following terms by the Government of India, in a letter No. 111 dated 23rd January 1857 :

"Governor-General in Council thinks it very probable that the Bombay Government has acted wisely in the matter; but it desires me (i.e. Secretary to the Government of India) to say that the boy would not have been refused admission to any Government school in the Presidency of Bengal."\*

On receipt of this letter it was resolved that Government of India should be assured that this Government would be most unwilling to neglect any means of rendering the schools throughout the country less exclusive than they practically are in the matter of caste; provided this could be effected without bringing the Government school into general disrepute, and thus destroying their efficiency and defeating the object for which they were intended. It was also determined that an enquiry should be made as to the practical working of the principle which was said to prevail in Bengal as affecting the general usefulness of the Government schools.

11. Inquiries as to the practice prevalent in Bengal revealed that the Bengal authorities contrary to the supposition of the Government of India had left it to the District Committees of Instructions to grant or refuse admittance to candidates of inferior castes, with reference to the state of local native feeling in each case. *The result of this was that the Depressed classes were left in the cold because the touchable classes would not let them sit at the fire of knowledge which the Government had lit up in the interest of all its subjects.*

12. Under these circumstances mass education as contemplated by the Despatch of 1854 was in practice available to all except the Depressed classes. The lifting of the ban on the education of the Depressed classes in 1854 was a nominal affair only. For, although the principle of non-exclusion was affirmed by the Government its practical operation was very carefully avoided; so that we can say that the ban was continued in practice as before.

The only agency which could take charge of the education of the Depressed classes was that of Christian missionaries. In the words of Mount Stuart Elphinstone they "found the lowest classes the best peoples". But the

---

\*In a Despatch No. 58 dated April 28th, 1858 the Court of Directors passed the following order on this subject: "The educational institutions of Government are intended by us to be open to all classes, and we cannot depart from a principle which is essentially sound, and the maintenance of which is of first importance. It is not impossible that, in some cases, the enforcement of the principle may be followed by a withdrawal of a portion of the scholars; but it is sufficient to remark that those persons who object to its practical enforcement will be at liberty to withhold their contributions and apply their funds to the formation of schools on a different basis."

Government was pledged to religious neutrality and could not see its way to support missionary schools, so much so that no pecuniary grant was made in this Presidency to any missionary school in the early part of this period although the Educational Despatch of 1854 had not prohibited the giving of grants to missionary schools.

13. To find a way out of this *impasse* the Government adopted two measures : (1) The institution of separate Government schools for low caste boys, and (2) The extension of special encouragement to missionary bodies to undertake their education by relaxing the rules of grants-in-aid. Had these two measures not been adopted the education of the Depressed classes would not have yielded the results, most meagre as they were, at the stocktaking by the Hunter Commission in 1882.

### III. From 1882 to 1928

14. After the year 1882 the year 1923 forms the next landmark in the educational history of the Bombay Presidency. That year marks the transfer of primary education from the control of Provincial Governments to the control of local bodies. It will therefore be appropriate to take stock of the position as it stood in 1923. The position of the different communities in the Bombay Presidency in 1923 in the matter of educational advancement may be summed up in a tabular form as follows :

Classes* of Population in the Presidency			Order in respect of population	Order in respect of education		
				Primary	Secondary	Collegiate
Advanced Hindus	..	..	4th	1st	1st	1st
Intermediate Hindus	..	..	1st	3rd	3rd	3rd
Backward Hindus	..	..	2nd	4th	4th	4th
Mahomedans	..	..	3rd	2nd	2nd	2nd

15. From this table one notices a great disparity in the comparative advancement of these different communities in the matter of education. Comparing these classes of people according to the order in which they stand in respect of their population and according to the order in which they stand in respect of their educational progress, we find that the Intermediate class, which is first in order of population is third in order of college education, third in order of secondary education and third in order of primary education. The Depressed classes who are second in order of population, stand fourth i.e., last in order of college education, last in order of

\*The Education Department of the Government of Bombay has divided the population of this Presidency for departmental purposes into four different classes. In one of them are put the Brahmins and allied castes, who are collectively called "Advanced Hindus". The Marathas and allied castes are put in a separate class called the "Intermediate Hindus". The rest of the population comprising the Depressed classes; hill tribes and the crimina tribes are placed in a class by themselves and are designated by the term "Backward class". To these three classes there is to be added a fourth class which comprises the Mahomedans of the Presidency and Sind.

secondary education and last in order of primary education. The Mahomedans who are third in order of population are second in order of college education, second in order of secondary education and second in order of primary education; while the “Advanced Hindus” who occupy the fourth place in order of population stand first in order of college education, first in order of secondary education and first in order of primary education. From this we can safely say that in this respect there has been no improvement over the situation as it stood in 1882 relatively speaking.

16. The above statement which is based upon the Report of the Director of Public Instruction, Bombay Presidency for the year 1923-24 merely reveals the disparity that exists in the educational advancement of the different communities. But the disparity in the level of education among the different communities would be a very small matter if it be not very great. We can form no important conclusion unless we know the degree of disparity. To make the position clear from this point of view the following table is presented :

**TABLE**

Classes of Population	Primary Education, Students per 1,000 of the population of the class	Secondary Education, Students per 100,000 of the population	College Education, Students per 200,000 of the population
Advanced Hindus .. ..	119	3,000	1,000
Mahomedans .. ..	92	500	52
Intermediate class .. ..	38	140	14
Backward class .. ..	18	14	Nil (or nearly one if at all).

17. The above figures give the lengths as it were by which each community is a head of the rests in the matter of primary, secondary and collegiate education. They reveal a range of disparity between the different communities in this Presidency which shows that the position of some of the communities in the matter of education is most shocking. *From the statistics as given above two facts stand out to be indisputable. (1) That the state of education of the Backward classes in this Presidency is deplorable. In the matter of population they occupy a place as high as second. But in the matter of Education they occupy a place which is not only last but which also is the least; (2) That the Mahomedans of the Presidency have made enormous strides in education; so much so that within the short span of 30 years they have not only stolen a march over other communities such as the Intermediate and the Backward class, but have also come close to the Brahmins and allied castes.*

18. What can this be due to ? To the policy of unequal treatment adopted by the Government must again be our reply to this ever present question. How unequal was the treatment of the two classes will be evident

from the following extracts from the Quinquennial Reports on Education. With regard to the treatment of the Mahomedans in the matter of education the following observations in the third Quinquennial Report (1892-96) are noteworthy :

“Concerning the figures for Mahomedan Education in Bombay,..... the Director remarks that the increase would have been larger ‘ but for adverse circumstances’. It has long been recognized in Bombay that Mahomedans make a larger use of Public Institutions than the rest of the population..... On the general question of what has been done to encourage Mahomedan education, the Director writes :

‘In the first place, a Mahomedan officer is appointed to every District, either as Deputy or Assistant Deputy Inspector; and we have three Mahomedan graduates as Deputies, at Kaira, Sholapur and Hyderabad, while a fourth has been drafted into the higher grades of the Revenue Department. There is thus not a District where the staff is out of touch with the Mahomedan population. Again at Bombay, Karachi and Junagadh [a Muhammadan State in Kathiawar], special efforts have been made to provide High Schools for Muhammadans with low fee rates, and smaller schools have been opened by other Anjumans (Muhammadan associations) elsewhere. The Department also provides for their benefit special standards and maintains special schools in certain localities, and reserves for them one-third of the Provincial and Local Boards scholarships. Then, there are the special scholarships founded by Khan Bahadur Kazi Shahbuddin [at one time Diwan of Baroda]; and in Sindh a certain number of food scholarships have been given by the heir of the Native State of Khairpur for students attending in Arts College. (I had great difficulty in filling these up last year, though they are of the value of Rs. 25 a month). In Primary schools, Muhammadans are very leniently treated in the matter of fees. They are encouraged to come to the Training Colleges by special rules which require from them an easier test than from Hindus ;..... The Joint Schools Committee at Bombay has lately made special efforts to encourage Muhammadan education by the appointment of a Muhammadan Deputy Inspector.....’ ”

19. Compare with this the observations regarding the education of the Depressed classes in the fifth Quinquennial Report (1902-07) :

“959. Bombay—In the Central division of Bombay the low caste children are admitted free into schools and receive presents in the form of books, slates etc..... In Kathiawar only three children of the Depressed castes are receiving education. In the Southern division there are 72 special schools or classes of them, most of which are under unqualified teachers.”

20. This unequal treatment has its origin in the recommendations of the Hunter Commission. How partial was the Hunter Commission to the Mahomedans will be evident if we compare the recommendations it made

in their behalf to those it made in the interests of the Depressed classes. With respect to the Mahomedans the Commission made seventeen recommendations of which the following are worthy of note : —

- (1) that the special encouragement of Mahomedan education be regarded as a legitimate charge on local, on Municipal, and on Provincial funds.
- (7) that higher English education for Mahomedans, being the kind of education in which that community needs special help, be liberally encouraged.
- (8) that where necessary graduated system of special scholarships for Mahomedans be established to be awarded (a) in primary schools and tenable in middle schools ; (b) in middle schools, and tenable in high schools; (c) on the results of Matriculation and. First Arts examinations, and tenable in colleges also.
- (9) that in all classes of schools maintained from public funds a certain proportion of free studentship be expressly reserved for Mahomedan students.
- (10) that in places where educational endowments for the benefit of Mahomedans exist and are under the management of Government the funds arising from each endowment be devoted to the advancement of education among the Mahomedans exclusively.
- (11) that where Mahomedans exist, and are under the management of private individuals or bodies, inducements by liberal grants-in-aid be offered to them to establish English teaching schools or colleges on the grant-in-aid system.
- (12) that, where necessary, the Normal Schools or classes for the training of Mahomedan teachers be established.
- (14) that Mahomedan inspecting officers be employed more largely than hitherto for the inspection of primary schools for Mahomedans.
- (17) that the attention of Local Governments be invited to the question of the proportion in which patronage is distributed among educated Mahomedans and others.

21. Everyone of these recommendations made by the Hunter Commission was necessary in the interests of the Depressed classes also. But when we come to analyse the recommendations made by the Commission in the interests of the Backward classes we do not find them directing that education of the Backward classes be regarded a legitimate charge on Government funds, that scholarships and proceedings be reserved for them, that special inspecting staff be kept to look after their educational needs or that public patronage be given to them by way of encouraging the growth of education amongst them. All that we find the Commission saying is that (1) the principle that “no boy be refused admission to a Government College or School merely on the ground of caste,” be now reaffirmed as a principle and be applied with due caution to every institution, not reserved for special

racess, which is wholly maintained at the cost of public funds, whether provincial, municipal or local, (2) that the establishment of special schools or classes for children of low castes be liberally encouraged in places where there are a sufficient number of such children to form separate schools or classes and where the schools already maintained from public funds do not sufficiently provide for their education. As a matter of fact the recommendations made by the Commission for the Mahomedans were far more necessary in the interests of the Backward classes than in the interests of the Mahomedans. For even the Hunter Commission, presided as it was by a chairman of pronounced sympathies for the Mahomedans, had to admit that "the inquiries made in 1871-73 went to prove that except in the matter of the higher education there had been a tendency to exaggerate the backwardness of the Mahomedans." Notwithstanding this the only recommendations made by the Hunter Commission were the two mentioned above. Even these two recommendations made by the Commission regarding the Depressed classes were not calculated to do much good. They were bound to be futile. The reaffirmation of the principle even if it be for the fifth time was useless. For under the proviso inserted by the Commission the enforcement was to be avoided in practice. Similarly the opening of the separate schools for the Depressed classes was hardly possible which again was bound to be sterile. Separate schools involving additional expense could hardly be acceptable to a Government to which primary education was a task. Besides the proviso that such schools should be opened *where Backward classes were in large numbers* was sufficient to negative the recommendations simply because in rural parts the Backward classes can seldom be found to be living in one locality in large numbers.

22. It is difficult to understand why the Hunter Commission paid such a scant attention to the educational needs of the Backward classes. If it felt necessary to be generous towards the Mahomedans, it should have at least seen that it was just to the Backward classes who were far behind the Mahomedans in education, wealth and social status. Once the Hunter Commission had thrown the Depressed classes into the background they remained there and the Government never paid any attention to them. As an example of this neglect, attention may be drawn to the Resolution of the Government of India in the Department of Education dated Delhi the 21st February 1913. It was one of the most important resolutions ever issued by the Government of India in which they decided "to assist local Government by means of large grants from imperial revenues as funds became available, to extend comprehensive systems of education in the several provinces ". In that Resolution they were particular to point out to the Provincial Government the educational needs of " Domiciled community" and the Mahomedan community. But they had not a word to say in the whole Resolution about the Backward classes. The Bombay Government readily accepted the suggestion and appointed in 1913 a Mahomedan on Education Committee to make recommendations for the promotion of

education among the Mahomadans. One feels righteous indignation against such criminal neglect on the part of the Government particularly when it is realized that the large grants given by the Government of India after 1913 were given by way of fulfilment of the declaration made by His most Gracious Imperial Majesty the King Emperor in replying to the address of the Calcutta University on the 6th January 1912 in which he said :

“It is my wish that there may be spread over the land a network of schools and Colleges, from which will go forth loyal and manly and useful citizens, able to hold their own in industries and agriculture and all the vocations in life. And it is my wish too, that the homes of my Indian subjects may be brightened and their labour sweetened by the spread of knowledge with all that follows in its train, a higher level of thought, of comfort and health. It is through education that my wish will be fulfilled, and the cause of education in India will ever be very close to my heart.”

#### IV. From 1923 and after

23. The Reforms Act came into force in 1921. Education was made a transferred subject in charge of a minister and a rapid advance in education was naturally expected at his hands. The Backward classes had, however, their doubts as to whether any benefit would accrue to them from the transfer of education to the control of the ministers. Already they had suffered in the matter of education at the hand of the bureaucracy. In the first period of existence the bureaucracy did not permit them to receive the benefits of education. In the second period the bureaucracy did not help them to get education. All the same the bureaucracy was too much enlightened to deny the principle that the Backward classes had a right to education. The Backward classes were not prepared to predicate the same enlightenment of the Indian intelligentsia which was struggling to replace the bureaucracy. As the Indian intelligentsia had its roots in the part in which the Backward class had no recognized rights, the latter were apprehensive that the past may again be made to live in the present.

24. Unfortunately their doubts came true and it may be truly said that under the Reforms the Backward classes in the Bombay Presidency have fallen from purgatory to hell. This may appear to be a very strong commentary on the existing situation. But the situation for in Backward classes of the Bombay Presidency created by the Compulsory Primary Education Act (Bombay Act No. IV of 1923) can hardly be described in any other words. The Compulsory Primary Education Act is in a very important sense a “fraud”. It was claimed for the Act, it was calculated to change the character of the primary education from being voluntary to compulsory. The Act does nothing of the kind. A reference to section 10 of the Act is sufficient to expose the “fraud”. The system is as voluntary as it was before and will remain so indefinitely. For, not only there is no obligation to make it compulsory, but there is even no time limit fixed within which to fulfil the obligation. Apart from this the Compulsory Primary Education Act has

made a most extravagant change in the administrative machinery for the control of Primary Education. Hitherto the control and management of Primary Education was entrusted to the Provincial Government and the whole of the expenditure on primary education was defrayed out of Provincial revenues except a small grant by the Local Boards amounting to one-third of their revenue from certain defined sources. Under the Compulsory Primary Education Act the position is reversed. The control and management of Primary Education is now entrusted to District School Boards (which are committees of District Local Boards) and instead of the Local Boards giving grants to the Provincial Government the Provincial Government is required to give a grant to the District School Board. Such extravagant and wild was the spirit in which this change was conceived that the Act gives to these School Boards power to appoint its own executive officer—a privilege which is denied even to such an advanced Corporation as the Municipality of Bombay.

25. The Sabha think that this change is a most revolutionary change and is bound to be detrimental to the best interest of the Presidency and particularly of the Backward classes. It must be borne in mind that the vital necessity of education has not been realized by all the classes of the population. The popular belief is that education is nobody's concern except that of the Brahmins. It is only a few, who have taken to politics, that care for the spread of education. The School Board must be drawn from the many uniformed villagers who being brought up in the tradition that education is the concern of the Brahmins only must be indifferent to it and are bound to be opposed to make it compulsory. Education if it is to be efficiently administered must for some time to come, remain with the Provincial Government under the direct control of the Legislative Council where the few politicals who know the necessity of education are likely to be. The transfer of education from the Education Department to the School Boards, therefore, means transfer from well-trusted quarters to unworthy hands. But if the transfer is harmful to the progress of education in general, it is detrimental to the interests of the Backward classes in particular. It must be borne in mind that although there may be some doubts as to whether the generality of the people do or do not believe in education, one thing is certain that they do not believe in the education of the Backward classes. As to the attitude of the higher classes towards the extension of elementary education to the lower classes of the community the Hunter Commission observed : " Several witnesses have replied that positive hostility is shown to the admission of low caste boys to school. A Madras witness mentions the case of a school for Cherumans, the ancient slave caste, being established at Calicut, but the Nayars and Tiyas used to waylay the boys as they went to school and snatch their books out of their hands..... *In our discussion on this subject it was brought to our notice that in some parts of the Central Provinces and of Bombay special objections were*

*entertained by the rural communities to the instruction of low castes on the ground that education would advance them in life and induce them to seek emancipation from their present servile condition.* In his report for the year 1896-97 the Director of Public Instruction, Bombay quoted a case in which the action of the Local Officers of the Kaira District in requiring the admission of low caste pupils led to five or six large schools being closed for years and to the huts and crops of the low caste people being burnt in one village and to the imposition of a heavy punitive post on that village for two years."

26. Such being the attitude of the rural communities, how can it be expected that the School Boards drawn as they largely will be from the rural communities will discharge, faithfully, their trust in the matter of the education of the Depressed classes ? To give the School Boards the control over the education of the Backward classes is to make the prosecutor the ruler. No wonder that Resolutions are passed by the Backward classes condemning the transfer of the control of Primary Education to the School Boards. It would have given some relief if the School Boards were manned by representatives of the Depressed classes in adequate numbers. But that is not the case. The representation of the Depressed classes in self-governing bodies from the Council down to the Local Boards has been planned by the Government after the manner of a curator who is not anxious to keep more than one specimen of each species in his Museum. Government nominates one member from the Depressed classes to the District Local Board out of some forty members and the School Board is directed to co-opt one member from the Depressed classes. In the principle of co-optation there is always the danger of the wrong man being co-opted—a danger which the Depressed classes of East Khandesh have had to face in the recent School Board elections. But supposing the right man is co-opted, what can a single individual do in a hostile group of 15 which is the maximum strength of a School Board ?

27. If Government is sincere in the matter of promoting the education of the Depressed classes then there are certain measures which Government must adopt. The Sabha has its own convictions as to what Government should do in this connection and would like to state the same in the form of proportions as follows :—

- (1) Unless the Compulsory Primary Education Act is abolished and the transfer of Primary Education to the School Boards is stopped, the Sabha fears that education of the Depressed classes will receive a great set-back.
- (2) Unless compulsion in the matter of Primary Education is made obligatory and unless the admission to primary schools is strictly enforced, conditions essential for educational progress of the Backward classes will not come into existence.

- (3) Unless the recommendations made by the Hunter Commission regarding the education of the Mohamedans are applied to the Depressed classes their educational progress will not be an accomplished fact.
- (4) Unless entry in the public service is secured to the Depressed classes there will be no inducement for them to take education.

28. In making these comments upon the management of the educational affairs of the Presidency under the Reform in their bearing upon the Depressed classes the Sabha is not oblivious to the special provisions made for the education of the Depressed classes in the form of a few hostels and a few scholarships for higher education. But the Sabha begs to point out that it is useless to make provision for higher education of the Depressed classes unless steps are taken to ensure the growth of Primary Education. Besides there is no guarantee that such concessions will continue. On the other hand they that depend a great deal upon the policy of the particular Minister in charge of Education and upon the voting strength of the Depressed classes in the Legislative Council, both of which are uncertain factors and cannot be depended upon.

C

**STATEMENT**

**concerning the safeguards for the protection of the interests of  
the Depressed Classes as a minority in the Bombay Presidency  
and the changes in the composition of and the guarantees  
from the Bombay Legislative Council necessary to ensure  
the same under Provincial Autonomy**

*submitted by*

**Dr. Bhimrao R. Ambedkar**, M.A., PH.D., D.SC, BAR-AT-LAW  
Member of the Legislative Council, Bombay

*on behalf of the*

**Bahishkrita Hitakarini Sabha**  
(Depressed Classes Institute of Bombay)

*to the*

**Indian Statutory Commission**

29th May 1928

Damodar Hall  
Parel, Bombay-12

INDIA

### I. Protection through adequate Representation

1. *Preliminary*.—The Sabha feels relieved of great anxiety by the decision of Parliament not to appoint an Indian on the Statutory Commission. The agitation for the appointment of an Indian would have been proper if the Commission had to consider a common Indian demand for self-government. But the fact is that the Commission shall have to consider not one demand, but a variety of demands made by the different interests prevailing in the country. That being the case the agitation should have been for a representation of all such interests on the Commission. The Sabha desires to point out that nothing could have satisfied the Depressed Classes better than the appointment of Indians representing various interests in the country, including their own, on the Statutory Commission. The demand for representation on the Statutory Commission was not, however, of such a nature and the Sabha, therefore, could not feel at one with those who urged it. The Sabha, it is true, did not agitate as it should have done, in conformity with its own views, for the representation of the Depressed Classes on the Commission. But that was because the Sabha felt that it was too much to hope for in a country where those in charge of the affairs from the Viceroy downwards have cultivated the habit of recognising the noisy few and forgetting the dumb millions. To use the language of Burke, because half a dozen politicians, like grasshoppers under a fero, make the field ring with their importunate chink, whilst the masses, like thousands of great cattle, are reposing beneath the shadow of the oak, chew the cud and are silent, the Government of India imagines that the politicians who make the noise are the only inhabitants of the field—that, of course, they are many in number—or that, after all, they are other than the little, shrivelled, meagre, hopping, though loud and troublesome insects of the hour. But there was also another reason why the Sabha did not press for its views. In the opinion of the Sabha this exclusion of Indians from the Statutory Commission was no small mercy to the Depressed Classes. For, by their non-appointment the Depressed Classes are, at any rate, saved the prejudice that would have otherwise been caused to their case, which the Sabha has hereby undertaken to place before the Commission.

2. *Injustice done to the Depressed Classes in 1919*.—The Montagu Chemsford Report recognised fully (para. 151) that the existence of the social differences and divisions formed “a feature of Indian Society which is out of harmony with the ideas on which elsewhere in the world representative institutions rest” and the authors of the Report (para. 153) held that they “have to be taken into account and they must lead us to adjust the forms of popular Government familiar elsewhere to the special conditions of Indian life.” In accordance with this, the authors of the Report, in order to pacify the Depressed Classes who had stoutly opposed the introduction of the Reforms, undertook to safeguard their interests as will be seen from the following statement in paragraph 155 of their Report in which they say : “ We have shown that the political education of the Ryot cannot be very rapid and may be a very difficult process. Till it is complete he must be exposed to the risk of oppression by people who are stronger and cleverer than he is ; and until it is clear that his interests can safely be left in his

own hands or that the Legislative Council represent and consider his interests, we must retain power to protect him. *So with the Depressed classes, we intend to make the best arrangements we can for their representation in order that they too may ultimately learn the lesson of self-protection.* But if it is found that their interests suffer and that they do not share in the general progress, we must retain the means in our hand of helping them....”

3. The Sabha regrets that all these promises were thrown to the wind by the Southborough Committee which was subsequently appointed to devise franchise, frame constituencies and to recommend what adjustments were needed to be made in the form of the proposed popular Government as a consequence of the peculiar social conditions prevalent in India. So grossly indifferent was the Southborough Committee to the problem of making adequate provision for safeguarding the interests of the Depressed classes that even the Government of India which was not over-particular in this matter felt called upon in paragraph 13 of their Despatch on the Report of the Southborough Committee to observe : “ We accept the proposals (for non-official nomination) generally. But there is one Community whose case appears to us to require more consideration than the Committee gave it. The Report on Indian Constitutional Reforms clearly recognised the problem of the Depressed classes and gave a pledge respecting them. The castes described as ‘Hindus—others’ in the Committee’s Report though they are defined in varying terms, are broadly speaking all the same kind of people. Except for differences in the rigidity of their exclusion they are all more or less in the position of the Madras *Panchamas*, definitely outside that part of the Hindu Community which is allowed access to their temples. They amount to about one-fifth of the total population, and have not been represented at all in the Morley-Minto Councils. *The Committee’s Report mentions the Depressed Classes twice, but only to explain that in the absence of satisfactory electorates they have been provided for by nomination. It does not discuss the position of these people or their capacity for looking after themselves. Nor does it explain the amount of nomination which it suggests for them. Paragraph 24 of the Report (of the Franchise Committee) justifies the restrictions of the nominated seats on grounds which do not suggest that the Committee were referring to the Depressed Classes.* The measure of representation which they propose for this Community is as follows :

Province	Total population in millions	Population of Depressed classes in millions	Total seats	Seats for the Depressed classes
Madras ..	39.8	6.3	120	2
Bombay .. ..	19.5	0.6	113	1
Bengal .. ..	45.0	9.9	127	1
United Provinces .. ..	47.0	10.1	120	1
Punjab .. ..	19.5	1.7	85	..
Bihar and Orissa .. ..	32.6	9.3	100	1
Central Provinces .. ..	12.0	3.7	72	1
Assam ..	6.0	0.3	54	..
Total ..	221.4	41.9	791	7

“These figures speak for themselves. It is suggested that the one-fifth of the entire population of British India should be allotted seven seats out of practically 800. It is true that in all the Councils there will be roughly a one-sixth proportion of officials who may be expected to bear in mind the interests of the depressed (?); but that arrangement is not, in our opinion, what the Report on Reforms aims at. The authors stated that the Depressed Classes should also learn the lesson of self-protection. It is surely fanciful to hope that this result can be expected from including a single member of the Community in an Assembly where there are 60 to 90 Caste-Hindus. To make good the principles of paragraphs 151, 152, 154 and 155 of the Report we must treat the out-castes more generously.....”

4. The Sabha feels happy that it is not alone in its opinion as to the injustice done to the Depressed Classes by the framers of the Reforms Scheme of 1919. This opinion was also shared by the Muddiman Committee which was appointed two years afterwards to report upon the possibility of improving and enlarging the scheme of Reforms. That Committee admitted in its Report (Paragraph 64) that the representation granted to the Depressed Classes under the Scheme was inadequate.

5. *Extent of Representation that must be granted to the Depressed classes.*—What then should be the extent of the representation of the Depressed Classes which can be said to be adequate ? In the opinion of the Sabha the following scheme for the composition of the Legislative Council of Bombay assuming that Sind will be separated from the Presidency may be deemed to satisfy the demand of the Depressed Classes for adequate representation :

### Composition of the Bombay Legislative Council

FOR

#### I. BOMBAY PRESIDENCY WITHOUT SIND

Constituencies	Total No. of seats	Reserved for the Depressed classes	Reserved for Mohamedans	Reserved for Marathas and allied castes
I. GENERAL				
(a) URBAN				
1. Bombay City North	.. 5	1	1	Same as now
2. Bombay City South	.. 3	....	....	
3. Ahmedabad City	.. 3	1	1	
4. Surat City	.. 1	....	....	
5. Sholapur City	.. 3	1	1	
6. Poona	.. 1	....	....	
(b) RURAL				
<b>Northern Division</b>				
7. Ahmedabad District	.. 5	1	1	Same as now
8. Broach District	.. 4	1	1	
9. Kaira District	.. 5	1	1	
10. Panchmahals District	.. 4	1	1	
11. Surat District	.. 5	1	1	
12. Thana District	.. 5	1	1	

Constituencies	Total No. of seats	Reserved for the Depressed classes	Reserved for Mohamedans	Reserved for Marathas and allied castes	
<b>Central Division</b>					
13. Ahmednagar District ..	5	1	1	Same as now	
14. Khandesh East District ..	6	1	1		
15. Khandesh West District ..	5	1	1		
16. Nasik District .. ..	5	1	1		
17. Poona District .. ..	6	1	1		
18. Satara District .. ..	6	1	1		
19. Sholapur District ..	5	1	1		
<b>Southern Division</b>					
20. Belgaum District .. ..	5	1	1		
21. Buapur District .. ..	5	1	1		
22. Dharwar District .. ..	6	1	1		
23. Kanara District .. ..	4	1	1		
24. Kolaba District .. ..	4	1	1		
25. Ratnagiri District ..	6	1	1		
Total of General ..	112	22	22		
<b>II. SPECIAL</b>					
26. Labour Unions .. ..	4				
27. University .. ..	3				
28. Europeans .. ..	4				
29. Millowners .. ..	2				
30. Commerce .. ..	2				
31. Agriculture .. ..	3				
32. Inamdars .. ..	1				
33. Officials .. ..	9				
Total of Special ..	28				
Grand Total ..	140				

which should be the strength of the Bombay Legislative Council.

6. In case it is decided to keep Sind as part of the Bombay Presidency the Sabha would like to propose the following scheme for the composition of the Bombay Legislative Council :

### Composition of the Bombay Legislative Council

#### FOR

#### II. BOMBAY PRESIDENCY WITH SIND

Constituencies	No. of seats	Reserved for Depressed classes	Reserved for Marathas and allied castes
<b>I. NON-MOHAMEDAN</b>			
<i>(a) URBAN</i>			
1. Bombay City North .. ..	5	1	Same as now
2. Bombay City South .. ..	4	...	

Constituencies				No. of seats	Reserved for Depressed classes	Reserved for Marathas and allied castes	
3	Karachi City	..	..	1	....		
4	Ahmedabad City	..	..	3	1		
5	Surat City	..	..	2	....		
6	Sholapur City	..	..	4	1		
7	Poona City	..	..	2	....		
(b) RURAL							
8	Ahmedabad District	..	..	5	1		
9	Broach District	..	..	4	1		
10	Kaira District	..	..	4	1		
11	Panch Mahals District	..	..	4	1		
12	Surat District	..	..	4	1		
13	Thana District	..	..	4	1		
14	Ahmednagar District	..	..	4	1		
15	Khandesh East District	..	..	5	1	Same as now	
16	Nasik District	..	..	4	1		
17	Poona District	..	..	5	1		
18	Satara District	..	..	5	1		
19	Belgaum District	..	..	4	1		
20	Bijapur District	..	..	4	1		
21	Dharwar	..	..	4	1		
22	Kanara District	..	..	4	1		
23	Ratnagiri District	..	..	5	1		
24	Eastern Sind District	..	..	2	....		
25	Western Sind District	..	..	2	....		
26	Sholapur District	..	..	4	1		
27	Kolaba District	..	..	4	1		
28	Khandesh West District	..	..	4	1		
				Total	..	86	22

## II. MOHAMEDAN

## (a) URBAN

29	Bombay City	..	..	2	
30	Karachi City	..	..	2	
31	Ahmedabad City	..	..	1	
32	Surat City	..	..	1	
33	Poona City	..	..	1	
34	Sholapur City	..	..	1	

## (b) RURAL

35	The Northern Division	..	..	2	
36	The Central Division	..	..	3	
37	The Southern Division	..	..	3	
38	Hyderabad District	..	..	2	
39	Karachi District	..	..	2	
40	Larkana District	..	..	2	
41	Sukkur District	..	..	2	

Constituencies		No. of seats	Reserved for Depressed classes	Reserved for Marathas and allied castes
42	Thar and Parkar District	.. ..	2	
43	Nawabshah District	.. ..	2	
44	Upper Sind Frontier	.. ..	2	
Total		..	30	
III. SPECIAL				
45	Labour Unions	.. ..	4	
46	University	.. ..	2	
47	Europeans	.. ..	4	
48	Millowners	.. ..	1	
49	Commerce	.. ..	1	
50	Agriculture	.. ..	1	
51	Inamdars and Jaghirdars	.. ..	2	
52	Officials	.. ..	9	
Total for Special		..	24	
Grand Total		..	140	

which should be the total strength of the Council.

7. In either case the demand of the Sabha is for 22 representatives of the Depressed classes in a Council composed of 140 members. The Sabha desires to state emphatically that this much representation to the Depressed classes in a Council of 140 is only just. The Sabha is aware that some people are likely to call such a demand as a very large one. Such a view must however be deemed to be the result of prejudice against the Depressed classes. It cannot be said to be founded upon any definite reason. The Sabha thinks that an exact idea as to the population of the Depressed classes would be a sufficient corrective to views of this sort. *For, it must be admitted that population is a measure by which to evaluate the representation that is to be granted to any community.* The computation of the exact strength of the Depressed classes is therefore a matter of considerable importance. The Depressed classes of the Bombay Presidency have already suffered an injustice at the hands of the Southborough Committee in 1919. That Committee gave in its Report a grossly wrong figure\* as to the exact strength of the Depressed classes in the Bombay Presidency—a figure which was absolutely unwarranted by the Census of 1911. So small was the strength of the Depressed classes shown by the Southborough Committee that even the paltry suggestion of the Government of India to give two representatives to the Depressed classes in the Bombay Legislative Council failed to have any effect. Similar attempt is now being made in responsible quarters to whittle down the population of the Depressed classes. For instance,

\*The figure given by the Southborough Committee and adopted by the Government of India in the Table given above was 577,516. According to the authority relied upon by the Southborough Committee the population of the Depressed classes in the Bombay Presidency in 1911 was 2,145,208.

Mr. Bajpai speaking on behalf of the Government of India in the Legislative Assembly on the 23rd February 1928 said "that the population of the Depressed classes in India was much exaggerated and that the real strength of the Depressed classes was only 28½ millions and not 60 millions" as used to be stated theretofore. The Sabha fears that the Commission may fall into the same error in which the Southborough Committee fell and may in consequence make proposals based upon such erroneous calculation. The Sabha therefore desires to draw the attention of the Commission to what the Director of the Census of India has to say in this connection. In Chapter XI of Volume I of the Census of India 1921 the Director observes :

"Paragraph 193. 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. In the Quinquennial Review of the Progress of Education from 1912 to 1917 (Chapter XVIII paragraph 505), the Depressed classes are specifically dealt with the point of view of educational assistance and progress, and in Appendix XIII to that Report a list of the castes and tribes constituting this section of the community is given. The total population classed according to these lists as depressed amounted to 31 million persons or 19 p.c. of the Hindu and Tribal population of British India. There is undoubtedly some danger in giving offence by making in a public report social distinctions which may be deemed invidious ; but in view of the lists already prepared and the fact that the 'depressed' have especially in South India, attained a class consciousness and a class organization, are served by special missions, 'raised' by philanthropic societies and officially represented in the Legislative Assemblies, it certainly seems advisable to face the facts and to attempt to obtain some statistical estimate of their numbers. I. therefore, asked Provincial Superintendents to let me have an estimate based on Census figures of the *approximate* strength of the castes who were usually included in the category of 'depressed'. I received lists of some sorts from all Provinces and States except the United Provinces, whose extreme delicacy of official sentiment shrank from facing the task of attempting even a rough estimate. The figures given are not based on exactly uniform criteria, as a different view is taken of the position of the same group in different parts of India, and I have had in some cases to modify the estimate on the basis of the figures in the educational report and of information from the 1911 reports and tables. *They are also subject to the general defect which has already been explained, that the total strength of any caste is not recorded.* The marginal statement [reproduced below] gives, however, a rough estimate of the *minimum* numbers which may be considered to form the 'depressed classes' of the Hindu Community. The total of these provincial figures adds up to about 53 millions. *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....."*

POPULATION OF THE DEPRESSED CLASSES IN INDIA

<i>Provinces</i>	000's omitted
Total	52,680
Assam	2,000
Bengal	9,000
Bihar and Orissa	8,000
Bombay	2,800
C. P. and Berar	3,300
Madras	6,072
Punjab	2,893
U.P.	9,000
Baroda	177
Central India	1,140
Gwalior	500
Hyderabad	2,339
Mysore	932
Rajputana	2,267
Travancore	1,260

8. This cautious and considered estimate of the Director of Census must supersede all guesses and surmises regarding the strength of the Depressed classes in the different Provinces of India. It destroys the validity of the estimate of Mr. Bajpai. For, it has been arrived at after scrutinizing the figures that have appeared in the Provincial Educational Reports which Mr. Bajpai says have formed the basis of his statement. Its correctness must be admitted. For, as the Director says it was arrived at after a deliberate investigation. The Sabha must therefore insist upon the Statutory Commission accepting these figures in preference to any other. According to this estimate the *minimum strength of the Depressed classes in the Bombay Presidency is 28,00,000 souls or 10.8 p.c. of the total population. On the basis of their strength alone the Depressed classes are entitled to 15 seats out of a total of 140.*

9. If the strength of a community was the only factor governing the extent of the representation to be granted to it, then the demand for the seven extra seats for the depressed classes would no doubt appear to be one for an unearned increment. *It must however be recognised that the strength of the community cannot be taken as the sole factor in determining matters of this sort. The standing of a community is no less an important factor to be taken into account in determining its quota of representation.* 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. It follows from the recognition of the principle that *the lower the standing of a community the greater is the electoral advantage it must get over the rest.* There can be no two opinions that the standing

of the Depressed classes both educational and economical is the lowest in this Presidency. Consequently they are entitled to some electoral advantage over what they are entitled to on the basis of their strength. This electoral advantage must be greater in the case of the Depressed classes than in the case of any other community of equal strength and standing; because no community can be said to form a submerged class in the same sense in which the Depressed classes do. Nor can any class be said to be burdened with those grave disabilities which form the common lot of the Depressed classes and which prevent them from rising above their degraded station in life. This is one reason why the Sabha feels justified in asking for this increment in representation. There is also another reason which the Sabha thinks must justify the extra representation claimed by it for the Depressed classes. The representation of a minority, if it is to protect the minority, must also be effective. If not, it would be a farce. To escape this reproach it must be recognized that *if a minority is to be protected then there must be enough representatives of the minority to save it from being entirely submerged*. To put the same thing in the form of a proposition, the effectiveness of a minority representation depends upon its being large enough to have the sense of not being entirely overwhelmed. In claiming this extra representation the Depressed classes, the Sabha thinks, are entitled to invoke this principle in their favour, in common with the rest of the minorities in the country.

10. *Necessity for impartial treatment of all minority communities.*—These principles governing the extent of representation are those which have been laid down by the Government of India in their despatch reviewing the Report of the Southborough Committee. The Sabha desires to point out that the case of the Depressed classes was more deserving of the application of such principles than that of any other community that could have been thought of in the whole of India. In practice, however, the benefit of these principles was rigorously denied to the Depressed classes all throughout India and was literally showered upon a community like the Mahomedans holding a stronger and better position in the country than can be predicated of the Depressed classes. To point out one such instance of unequal treatment the Sabha would invite the attention of the Commission to the two following cases : —

Provinces	Moslem Population	Seats for Moslems	Depressed classes Population	Seats for Depressed classes
Central Provinces .. ..	574,276	11	3,060,232	2
Bombay Presidency .. ..	1,207,443	7	1,627,980	1

Howsoever indignant one may feel over the perpetration of such injustice to the Depressed classes the Government of India does not blush at it. For, it had avowedly enunciated those principles for the very limited purpose of applying them to the Mahomedans only. This was due, as everyone knows, to the distinction the Government of India made in the political importance of the different communities. The Sabha protests against this grading of the citizens of a country on the basis of their

political importance. There can be no safe and secure rule except the one that all communities are politically of equal importance. This invidious distinction is at the root of all the communal troubles and is destructive of the principle of equal opportunity. The introduction of this principle in the governance of India at the time when the 1st instalment of Reforms was granted by Parliament was disastrous to the interests of the Depressed classes. The Sabha is glad to find the present Secretary of State recognizing the existence of the Depressed classes as a problem for serious consideration in the decision that may now be taken With regard to the enlargement of the scope of the Political Reforms already introduced. But the Sabha is anxious to point out that such recognition would be of no consequence to the Depressed classes if it is not reflected in the changes that may now be introduced into the framework of the constitution of the country.

11. *Mode of representation.*—The Sabha is opposed to the principle of nomination and would insist upon the extension of the principle of election to the Depressed classes. Election is not only correct in principle from the standpoint of responsible Government, but is also necessary in practice from the standpoint of political education. Every community must have an opportunity for political education which cannot well be secured otherwise than by the exercise of the vote. It must be regarded as unfortunate that the Depressed classes who need such education, more than any other community, should be denied an opportunity to take their share in the rapidly developing political life of India. There is also another reason why election in the case of the Depressed classes is a necessity. Ministership is a very important privilege and the Depressed classes cannot afford to forego the same. No great benefit can come to them from the introduction of Political Reforms unless they can find a place in the Cabinet of the country, from where they can influence the policy of the Government This opportunity will be denied to them so long as they are denied the opportunity of electing their own representatives. For, under responsible Government nominated members must continue to be ineligible for office. A system of representation like that of nomination which deprives the Depressed classes of this right must stand self-condemned.

12. Two objections are usually urged against the application of the principle of election to the Depressed classes.

(a) *Difficulty in forming constituencies.*—This objection, the Sabha thinks, must be ruled out of serious consideration as not being honest. If difficulty in the matter of forming constituencies was a consideration which led Government to prefer nomination to election in the matter of the representation of the Depressed classes, it is difficult to understand how the Government ventured to apply the principle of election to the Moslems and the Europeans. These communities are not less scattered than the Depressed classes and no constituencies can be formed for them including the existing one, which cannot be condemned as absurd from a logical point of view. All the same, the Government of Bombay did abandon its aesthetic sense

and undertook to form as symmetrical constituencies for these communities when it found impossible to form symmetrical ones. All these difficulties in regard to the formation of the constituencies for the Depressed classes are, however, set at rest under the scheme of representation outlined by the Sabha. The problem being thus simplified, no objection ought now to be raised for the substitution of the principle of nomination by the principle of election.

(b) *Difficulty in getting a sufficiently large electorate.*—Will there be a sufficient number of electors in any constituency to make the election of the Depressed classes to the Council a real election ? By way of pointing out a difficulty in substituting election for nomination this question is usually raised and answered in the negative. The difficulty would no doubt be there if it is decided that the existing pitch of the franchise is not to be touched and so long as the pitch continues where it now is, the Sabha must admit that the number of electors among the Depressed classes will be very few. But the Sabha thinks that the existing pitch of the franchise is unjustifiable on every ground. It has turned responsible Government into a mockery. It means a Government of the whole Presidency of two crores of people by a minority of seven lakhs who happen to have the good fortune of being voters under the existing franchise. Such a state of things is clearly vicious and cannot be allowed to continue in future, if there is to be responsible Government, not merely in name but also in fact. It is to be regretted that the question of franchise does not seem to have been adequately pressed by the class that is most vocal in demanding Reforms. Democracy is alleged to be the aim of that class, but if the truth be told, in the words of the Government of Burma, “they are in favour of democratic institutions mainly because they are making an appeal to a democratic nation. They could not very well call for democracy and leave the *Demos* out. Their chief interests in the Reforms is centered in the powers that they expect to gain over the executive. The broad franchise and responsible voting in its true sense by the rural electors is not at all the central idea of their demand. As long as their own class will furnish the Legislative Councillors who will exercise the desired control, it is immaterial to them whether these represent few or many voters.” Whether or not this is the correct diagnosis of the difference of the Indian politicians to the important question of franchise, the fact remains that the question of franchise occupies in Congress politics a very subordinate place as compared to the question of the transfer of powers. In the opinion of the Sabha, this attitude of the Congress politicians is a reversal of the true relationship between the question of the franchise and the question of transfer of power. It must be admitted that the dictum of the Government of India that the forces which now hold the administration together cannot be withdrawn before satisfactory substitutes are ready to take their place, must find acceptance in all quarters which are willing to look at things from a proper perspective. Now these substitutes must obviously be the electors ; it follows therefore that the degree and the kind

of responsibility which can be introduced into the Government of the country will depend upon the strength of the electors. So vital is this question of the franchise that upon its determination alone can depend the degree of the transfer of political power. What should be the franchise is therefore a most important question. In the way in which it is determined at present the Sabha wishes to point out that the principle aim of representative Government has been lost sight of altogether. *Franchise means the right to determine the terms of associated life.* Franchise can mean nothing else. If that is the meaning of franchise, then it follows that it should be given to those who by reason of their weak power of bargaining are exposed to the risk of having the terms of associated life fixed by superior forces in a manner unfavourable to them. If this is true, then the very exigencies of representative Government demand that the franchise, if the term is properly understood, must be fixed so low as to bring it within the reach of the large majority of the poor and the oppressed sections of society. Indeed adult franchise is the only system of franchise which can be in keeping with the true meaning of that term. 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 urban parts of the Presidency. The fear often entertained on the part of the Government that such a lowering of the franchise will bring in a large part of unintelligent people is without foundation. Large property is not incompatible with ignorance. Nor is abject poverty incompatible with high degree of intelligence. Property may as well dull the edge of intelligence. On the other hand poverty does and often must stimulate intelligence. Consequently the adherence of the Government to a high property qualification as an insurance against ignorance is nothing but a superstition, which is sedulously cultivated by the classes and fostered by the Government in order to deprive the masses of their right to the making of their Government.

13. *System of Election.*—Free election in general constituencies is, in the opinion of the Sabha, out of the question so far as the Depressed classes are concerned. On the other hand the Sabha does not wish to ask for Communal electorates. In its opinion, it would be sufficient if the Depressed classes are provided with reserved seats in the general constituencies. In the case of the candidates for election from the Depressed classes the Sabha would urge the total abandonment of the residential qualification and a partial relaxation in the condition as to deposit.

14. *Representation in the Assembly.*—The Sabha respectfully protests against the non-recognition of the right of the Depressed classes in the Legislative Assembly in 1919. The Government of India is still supreme in important matters which are directly under its control or under the Reserved half of the Provincial Governments. Even in respect of the Transferred subjects it continues to have the power of superintendence. It is, therefore, obvious that in the direction of such large powers the Depressed classes should have some voice and the Sabha would, therefore, claim that three members

from the Depressed classes of the Bombay Presidency should be elected to the Legislative Assembly by their representatives in the Local Legislative Council.

## II. Protection through Guarantees

15. 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 and as a fundamental part thereof guaranteeing the civil rights of the Depressed classes as a minority in the Bombay Presidency. Such guarantees must cover the recognition of the following propositions concerning the interests of the Depressed classes : —

- (1) That the education of the Depressed classes shall be recognized as the first charge on the revenues of the Province and that an equitable and just proportion of the total grant for education should be earmarked for the benefit of the Depressed classes.
- (2) That the right of the Depressed classes to unrestricted recruitment in the army, navy, and the police shall be recognized without any limitation as to caste.
- (3) That for a period of 30 years the right of the Depressed classes for priority in the matter of the recruitments to all posts, gazetted as well as non-gazetted in all civil services shall be recognized.
- (4) That the right of the Depressed classes to the appointment of a special inspector of police from amongst themselves for every District shall be recognized.
- (5) That the right of the Depressed classes to effective representation (as defined above) on the Local Bodies shall be recognized by the Provincial Government.
- (6) That the right of the Depressed classes to appeal to the Government of India in cases of violation of these rights by the Provincial Government shall be recognized and the Government of India shall be given the power to compel the Provincial Government to conform to the law in the matter.

16. *Justification of such guarantees.*—It may be argued that as the Depressed classes have been given adequate representation in the Council, there can be no danger to their rights, as there can be in the case of an unrepresented minority. Why then should there be these guarantees ? The Sabha demurs to this much faith in the efficacy of a representative form of Government to effectively protect a minority from the tyranny of the majority. In this connection the Sabha would like to invite the attention of the Commission to the views of John Stuart Mill who has observed that “the notion that the people have no need to limit their power over themselves, might seem axiomatic, when popular Government was the thing only dreamt about or read of as having existed at some distant period of the past. . . . It was now perceived that such phrases as self-Government, and the power of the people over themselves, do not express the true state of

the case. The people who exercise the power are not always the same people with those over whom it is exercised; and the self-government spoken of is not the government of each by himself, but of each by all the rest. The will of the people, moreover, practically means the will of the most numerous or the most active *part* of the people, the majority of those who succeed in making themselves accepted as the majority ; the people, consequently, may desire to oppress a part of their number; and precautions are as much needed against this, as against any other abuse of power. The limitation, therefore, of the power of Government over individuals loses none of its importance when the holders of power are regularly accountable to the community, that is to the “strongest party therein. This view of things, recommending itself equally to the intelligence of thinkers and to the inclination of those important classes in European Society to whose real or supposed interests democracy is adverse, has had no difficulty in establishing itself; and in political speculations the tyranny of the majority is now generally included amongst the evils against which the Society requires to be on its guard.”

17. From this it is obvious that representative Government cannot altogether do away with the necessity of such guarantees for the protection of the interests of the minorities in a nation. Indeed it may safely be asserted that a representative form of Government far from being a means of affording protection to the minorities must be deemed to be so very inadequate for that purpose that its introduction without a system of guarantees being made a part thereof was looked upon as a most dangerous experiment. The postwar history of Europe abounds in such cases. The peace treaties between the allied powers and Zechoslovakia, Austria, Hungary, Rumania and the Polish German Convention relating to Upper Silesia with their guarantee clauses for the benefit of the minorities bear eloquent testimony to the fact that the minorities cannot depend upon the representative form of Government but must seek protection in the form of guarantees of their rights.

18. If representative Government is so weak when operating among European peoples, where the secularisation of politics has gone far further, how much weaker must it be in India where politics is nothing but theology in action. It is this theology against which the Depressed classes must seek to be protected. How destructive is this theology of true citizenship has nowhere been described so well as in the Note by the Hon'ble Sir Alexander Cardew, K.C.S.I., I.C.S., to the Government of India contained in the letter No. 1146 (Reforms) dated the 31st December 1918. The following extracts are made from that Note :

“2. It may first be asked whether the democratic idea is in accordance with the prevailing philosophy of the people of India. The fundamental principle of the modern democratic State is the recognition of the value of the individual and the belief that as each individual has but one life, full opportunity should be accorded to each to attain his maximum development in that life. Neither of these propositions is accepted in the current philo-

sophy of India. This rather holds that the present life is for each only one of a series of existences; that the position of each individual in this life has been determined for him by his merit or demerit in previous births ; and that, therefore, his place in the social organism is irrevocably fixed and cannot be changed. It may therefore be safely asserted that the root notions of democracy run counter to all the ideas which for thousands of years have formed the common stock of popular belief in India.

“3. Closely connected with the doctrine, that each man’s place in the present birth has been determined by his actions in the past existences is the institution of caste which has the effect of stereotyping and fixing unalterably the position of each individual in the social scale. Thus a man born a Brahman cannot be other than a Brahman and a man born Pariah can never be other than a Pariah. Equality of opportunity is impossible under such conditions and it is neither recognized nor desired by Indian public opinion.

“4. At the apex of the caste pyramid stands the Brahman. This caste, originally representing, at least in Southern India, a racial difference, has established through a long period of time its absolute supremacy over all other castes. The Brahman’s claim to supremacy is based not only on race and intellect but also on the injunctions of religion. The sanctity of a Brahman’s person and religious merit to be obtained by feeding him, paying for his education, providing money for the marriage of his daughters, endowing him with land, has been an established belief in India for centuries..... Brahmins possessed numberless privileges.....

“6. With such predominance in most walks of life, it is not surprising that the Brahman has easily secured control in politics. .... No representative of the great Pariah community nor of the Christian community has ever sat, or would ever have a chance of sitting, for one of these constituencies. This experience strongly suggests that the political machine in the future as in the past will be under the control of the Brahmins, unless special measures are resorted to, to secure adequate representation of the other classes.

“8. Next to the Brahman *sed longo intervallo* comes the great group of Hindu—castes, some higher, some lower, generally grouped together as non-Brahmins but all equally exclusive and largely antagonistic to one another. It is notorious that if a member of one of these castes attains to a position of influence he fills the offices in his gifts with his fellow castemen. The Standing Orders of the Government recognize this tendency and contain directions to counteract it. The joint report is not ignorant of this, for it says, ‘ there runs through Indian Society a series of cleavages of religion, race and caste which constantly threaten its solidarity.’ These distinctions of castes do not merely threaten the solidarity of Indian Society—they prevent such solidarity from ever existing.

“9. Below both the Brahmins and the non-Brahman caste Hindus, come the low castes or more correctly the persons of no castes who number

in this Presidency [*i.e.* Madras] some ten millions of people. For convenience they may be referred to as the Panchama or Pariah community. These people are regarded, not merely as belonging to a lower class, but as conveying by their very presence an actual pollution which requires purificatory religious ceremonies.

“13. The difficulty of introducing democratic institutions into a society such as this, illiterate, divided into hard and fast castes, with Brahman at the top, with the various Non-Brahman Hindu castes in the middle and the low castes liable to be oppressed impartially by both, at the bottom must be very great. Nor does this difficulty seem to have been sufficiently realized by the writers of the Joint Report. *Surely the first essential of any scheme of reform is that adequate safeguard should be provided for the good government of the inarticulate masses of the population .....*”

19. If this is a correct description of the existing state of affairs then the Minorities of Europe cannot be said to have a better case for obtaining guarantees of their rights than the Depressed classes. *Many people in the world have fallen low by force of circumstances. But having fallen they are free to rise. The Depressed classes on the other hand form a solitary case of a people who have remained fallen because their rise is opposed to the religious notions of the majority of their countrymen.* Much was made before the Muddiman Committee by certain persons of the resolutions passed by the various Legislative Councils, throwing open wells, dispensaries and dharamshalas to members of Depressed classes and of the circulars issued by Ministers of Education requiring children of the Depressed classes to be admitted to schools in common with the rest. But what a mockery such resolutions and circulars are will be apparent to the Commission from the perusal of Annexure A to this statement. It will illustrate the attitude of the majority towards the Depressed classes as evidenced by incidents reported from time to time in the various newspapers in the country (item Nos. 1 and 10). From a perusal of these news items it will be realized that the Depressed classes cannot be employed in the army, navy and the police, because such employment is opposed to the religious notions of the majority (item No. 8). They cannot be admitted in schools, because their entry is opposed to the religious notions of the majority (item No. 12). They cannot avail themselves of Government dispensaries, because Doctors will not let them cause pollution to their persons or to their dispensaries (item Nos. 2 and 5). They cannot live a cleaner and higher life, because to live above their prescribed station is opposed to the religious notions of the majority (item Nos. 1 and 6). So rigorous is the enforcement of the Social Code against the Depressed classes that any attempt on the part of the Depressed classes to exercise their elementary rights of citizenship only ends in provoking the majority, to practice the worst form of social tyranny known to history (item Nos. 4, 7 and 11). It will be admitted that when society is itself a tyrant, its means of tyrannising are not restricted to the acts which it may do by the hands of its functionaries and it leaves fewer means of escape,

penetrating much more deeply into the details of life, and enslaving the soul itself. Protection against such tyranny is usually to be found in the Police power of the state. But unfortunately in any struggle in which the Depressed classes are on the one side and the upper class of Hindus on the other, the Police power is always in league with the tyrant majority (item No. 11), for the simple reason that the Depressed classes have no footing whatsoever in the Police or in the Magistracy of the country.

20. In view of this, it is unfair to the Depressed classes to be lulled into the belief that their interests would be safe in the hands of their countrymen, because some Councils have passed resolutions and some of the Ministers have issued circulars favouring the Depressed classes. The Sabha desires to caution the Commission against being lured into forming a better opinion of the Hindu majority from its best instances. Pictures of loving exercise of authority on one side, loving submission to it on the other, of superior wisdom ordering all things for the greatest good of the dependants are very gratifying to read. But such pictures would be to the purpose only if any one from the Depressed Classes denied the existence of good men in the Hindu society. Nobody among the Depressed classes doubts that there would be great and universal happiness under the government of a good Hindu. But the fact is that laws and institutions require to be adapted not to good men but to bad. From this point of view, it is safer to grant the minority the necessary protection by the inclusion of guarantee clauses than to leave it unprotected on the fanciful ground that the tyrant majority has in it a few good men sympathetic to the minority. Such guarantees may be looked down upon by persons other than the Depressed classes as being unnecessary ; but from the standpoint of the Depressed classes it is but an essential safeguard. There is such an enormous dread of the Reforms prevalent amongst the Depressed classes that they have from the very beginning opposed their introduction. So strong was their feeling against the Reforms that in one of the addresses presented to Mr. Montague the Depressed classes declared "we shall fight to the last drop of our blood, against any attempt to transfer the seat of authority in this country from the British hands to the so-called high class Hindus." Nothing can allay such fears as the system of guarantees can do. Government is based upon faith and not upon reason. If the Depressed classes can have no faith in the new constitution it is statesmanship to buy that faith if it can be done so with the concession of guarantees herein demanded.

## ANNEXURE A

## Item No. 1

(From the *Times of India* 8th February 1928)

## NO UPLIFT FOR ANTYAJAS

As a landmark in the rapid progress of Indian social reform, a lecture delivered last month by Mahamahopadhyaya Pandit Ananta Krishna Shastri (Professor, Calcutta University) to an audience of Sanatanist (orthodox) Agrawal Marwadis of Bombay in the local Nara-Narayan temple, deserves to be rescued from unmerited oblivion. The subject of the discourse was "The way to uplift the Patits (i.e. 'fallen' untouchables)", and the chair was graced by Shri Jagadguru Anantacharya Maharaj of the new Vaishnav temple in Bombay. The lecturer proved by citations from the Shastras that the various castes have always been in existence and will continue so to exist till the end of all time. He added that those who talk of uplifting the "Fallen" (Antyajias) are merely talking, and that, in fact, there is no way of uplifting the Antyajias in the sense of getting them admitted into any of the four castes or taking them out of their present social position.

## ORTHODOX GENEROSITY

The learned lecturer suggested the only possible way of uplifting the "unupliftable Fallen", namely, generously restoring to them some of their inalienable professions at present encroached upon by unthinking and unorthodox caste people. "In this 20th century," said the Mahamahopadhyaya, "people on getting up in the morning sit down to clean their costly shoes instead of performing their appointed morning ritual. Next they sit down to shave themselves. And instead of cleaning their teeth in the Swadeshi style (i.e., with twigs of babool, etc.), they sit down to rub powder on their teeth with brushes. By doing all these things they deprive Mochis (cobblers), Hajams (barbers), and tooth-stick sellers of their livelihood. Let everyone do his duty according to Dharma and rest content. This is the only way to bring about the uplift of the Antyajias,—let those who have deprived these Fallen people of their means of livelihood restore it to them."

## Item No. 2

(From the *Times of India* 2nd March 1928)

## ANTYAJAS IN INDIA

But, the patriots will protest, all this happened in British India, not in Indian India. Well, we know what happened to Balais only the other day in a big Central India Native State for wearing gold and silver ornaments and absurdly presuming to behave like touchable caste Hindus. And this is what the *Saurashtra* reports about the Antyajias in Baroda territory where the Maharaja himself sympathises so deeply with these unfortunates : "The order to admit Antyaja boys into Gujarati schools is on paper only. In nearly

95 per cent. of schools the Antyaja children are made to sit outside in the cold, heat or rain, and they are made to fetch cowdung, fuel, droppings, dust etc..... In April 1927 an Antyaja went to the Damnagar dispensary for medicine. The Doctor made him wait for twelve hours and then examined him—from a distance and gave him medicine—from a distance. This happened in the presence of an Antyaja member of the Baroda Legislative Assembly.” And the *Pratap* of Surat tells us that when a teacher in the Navasari Antyaja Ashram took an ailing boy to the local hospital, the doctor in charge drove them both away with these remarkable words : “Get away ! This is not Gandhi Raj but Baroda Sarkar’s Raj !”

### Item No. 3

(From the *Evening News* 11th May 1926)

#### UNTOUCHABLE IN JAMBUSAR MUNICIPALITY

##### FOUR HINDUS RESIGN

A sensation has been caused in Jambusar at the election of an untouchable to the Jambusar Municipality. Four Hindu members have resigned, while the rest have promised not to touch the untouchable member and to bathe if ever they touched him.

### Item No. 4

(From the *Bombay Chronicle*)

#### KOLABA DEPRESSED CLASS CONFERENCE

##### ROWDYISM OF UPPER CLASS HINDUS

The *Times of India* in its issue of the 24th gives a statement of the riot at Mahad. But as that statement is incomplete and fails to give a correct idea of what happened it is necessary to give a complete and correct account of the riot.

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 Chowdar 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 Dharya [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 were collected all armed with bamboo sticks. 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.

#### Item No. 5

(From *Young India* 5th May 1927)

#### MAN'S INHUMANITY TO MAN

(By *M. K. Gandhi*)

In another column will be seen an extract from *Navajivan* of a most disgraceful case of calculated inhumanity of a medical man towards the dying wife of a member of the suppressed class in a Kathiawad village. Sjt. Amritlal Thakkar who is responsible for giving the details of the case has withheld the names of the place and parties for fear of the poor suppressed class schoolmaster being further molested by the medical man, I wish, however, that the names will be disclosed. Time must come when the suppressed class people will have to be encouraged by us to dare to suffer further hardships and tyranny. Their sufferings are already too great for any further sufferings to be really felt. Public opinion cannot be roused over grievances that cannot be verified and traced to their sources. I do not know the rules of the Medical Council in Bombay. I know that in other places a medical practitioner, who refused to attend before his fees were paid, would be answerable to the Council and would be liable to have his name removed from the Council's list and be otherwise subject to disciplinary action. Fees are no doubt exactable; but proper attendance upon patients is the first duty of a medical practitioner. The real inhumanity, however, if the facts stated are true, consists in the practitioner refusing to enter the untouchable's quarters, refusing himself to see the patient, and refusing himself to apply the thermometer. And if the doctrine of untouchability can ever be applied in any circumstances, it is certainly applicable to this member of the profession which he has disgraced. But I am hoping that there is some exaggeration in the statement made by Sjt Thakkar's correspondent and, if there is none, that the medical practitioner will himself come forth and make ample amends to the society which he has so outraged by his inhuman conduct.

## READ, REFLECT AND WEEP

There is a school for the children of the suppressed classes in a village in Kathiawad. The teacher is a cultured, patriotic man belonging to the *Dhedh* or Weaver (untouchable) class. He owes his education to the compulsory education policy of His Highness the Gayakwad and had been doing his little bit for the amelioration of his community. He is a man of cleanly habits and refined manners, so that no one can recognise him as belonging to the untouchable class. But because he had the fortune or misfortune of teaching the children of his own community in a conservative village in Kathiawad, everyone regards him as an untouchable. But unmindful of that he had been silently working away. There are some moments, however, when the most patient man living under intolerable conditions may give vent to agony and indignation, which are evident in the following letters from the schoolmaster. Every little sentence in it is surcharged with pathos. I have purposely omitted the names of the village and all the people mentioned in the letter, lest the schoolmaster should come into further trouble.

*Namaskar.* My wife was delivered of a child on the 5th instant. On the 7th she was taken ill, had motions, lost her speech, had hard breathing and swelling on the chest, and her ribs were aching painfully. I want to call in Dr.—, but he said ‘I will not come to the untouchable’s quarters. I will not examine her either.’ Then I approached the Nagarsheth—and the Garrsia Durbar—, and requested them to use their good offices for me. They came and on the Nagarsheth standing surety for me for the payment of Rs. 2 as the doctor’s fee, and on condition that the patient would be brought outside the untouchable’s quarters, he consented to come. He came, we took out the woman who had a baby only two days old. Then the doctor gave his thermometer to a Musalman who gave it to me. I applied the thermometer and then returned it to the Musalman who gave it to the doctor. It was about eight O’clock, and having inspected the thermometer in the light of a lamp, he said: ‘She has pneumonia and suffocation’. After this the doctor left and sent medicine. I got linseed from the market and we are applying linseed poultice and giving her the medicine. The doctor would not condescend to examine her, simply looked at her from a distance. Of course I gave Rs. 2 for his fee. It is a serious illness. Everything is in His hands !

## II

The light in my life has gone out. She passed away at 2 O’clock this afternoon.

Comment is needless. What shall one say about the inhumanity of the doctor who being an educated man refused to apply the thermometer except through the medium of a Musalman to purify it, and who treated an ailing woman lying in for two days worse than a dog or a cat ? What shall one say of the society that tolerates this inhumanity ? One can but reflect and weep.

A.V. THAKKAR

**Item No. 6**(From the *Times of India* dated 1-4-28 and 10-2-28)**TYRANNY OF HINDUS**

## RULES FOR BALAIS

*Mode of life laid down*

Last May high caste Hindus, viz., Kalotas, Rajputs, and Brahmins including the patels and patwaris of villages Kanaria, Bicholee Hafsi, Bicholi Mardana, and of about 15 other villages in the Indore district 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 dhoties with coloured or fancy borders ; 3. They must convey intimation of the death of any Hindu to relatives of deceased—no matter how far away these relatives may be living ; 4. In all Hindu marriages, the Balais must play music before the processions, and during the marriages ; 5. The 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. The 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.

## BALAIS REFUSE COMPLIANCE

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 migrate to adjoining States, viz., to villages in Dhar, Dewas, Bagli, Bhopal, Gwalior, and other States.

## COMPULSORY AGREEMENT

Only a few days ago the Hindus of Reoti village barely 7 miles to North of Indore City ordered the Balais to sign a stamped agreement in accordance with the rules framed against the Balais by the Hindus of other villages. The Balais refused to comply. It is alleged that some of them were beaten by the Hindus ; and one Balai was fastened to a post, and was told that he would be let go on agreeing to sign the agreement. He signed the agreement; and was released. Some Balais from this village ran up to the Prime Minister, the next day, i.e., on the 20th December, and made a complaint about the ill-treatment they have received from the Hindu villagers of Reoti. They were sent to the Subha of the District. This Officer, with the help of the Police, made inquiries at the village, and recommended that action be taken against

the Hindus under Sections 342 and 147 and against the Balais under Section 147, Indian Penal Code.

**BALAIS LEAVE VILLAGES  
CASTE TYRANNY**

IGNORANCE OF LAW, A HANDICAP

There has been no improvement in the treatment of the Balais by the Hindu residents of certain villages. Balais, it has already been reported, have been ill-treated by the higher caste Hindus. From the Depalpur Pergana alone, Indore District a large number of Balais have had to leave their homes and find shelter in adjoining States. The villages from which Balais have been forced to clear out are Badoli, Ahirkheral, Piploda, Moof-khera, Pamalpur, Karoda, Chatwada, Newri Pan, Sanauda, Ajnoti, Khatedi, and Sanavda. Pamalpur village has been altogether deserted, and not a Balai, man, woman, or child, is to be found there. Nanda Balai, a resident of one of the above villages, it is alleged, was severely beaten by the Hindus of the village. In one village, the report goes, the Hindus burnt down all the dwellings of the Balais but the offenders have not yet been traced.

Balais are ignorant village folk, who are ignorant of legal procedure and think that if a petition is sent to the *Sirkar* all that is required will be done for them. They have not the knowledge, or the means and practice to pursue a complaint to its end ; and, as they, it is said in some cases, failed to attend or produce witnesses in support of their allegations, the Magistrate had no alternative but to dismiss their complaint.

**Item No. 7**

(From the *Bombay Chronicle* 25th February 1928)

**ORTHODOXY RUN MAD  
ALLEGED BARBAROUS TREATMENT OF "UNTOUCHABLES"**

CRIME OF BEING MAHARS

Mr. Keshavaji Ranchhodji Vaghela from Ahmedabad has informed Dr. B. R. Ambedkar, President, Bahishkrit Hitkarini Sabha as follows :

One Bapoorao Laxman and his brother Kaurao have been residents of Ahmedabad during the last six years. They used to mix with some people from the Deccan belonging to Maratha caste, Kaurao's two sons viz. Damoo and Laxuman used to take part in the Bhajan parties of the Marathas. The latter, however, recently came to know that the brothers Damoo and Laxuman were Mahars by caste and in order to ascertain this, two Mahars employed on the Parcel Train between Surat and Ahmedabad were specially called to identify Damoo and Laxuman. After it was ascertained that Damoo and Laxuman were Mahars they were called at a Bhajan party at Kalupur, Bhanderi Pole, at midnight on the 11th instant. Asked as to what caste they belonged to, Damoo and Laxuman replied that they were Somvanshis. This reply enraged the Marathas who freely abused them for having defiled their persons and places. The Mahar brothers were also assaulted by the Marathas. One of the brothers had a gold ring on his person. It was forcibly taken

away from him and sold for Rs. 11. Out of this amount Rs. 6 was paid to the Mahars who had been called from Surat to identify the brothers. Damoo and Laxuman entreated the Marathas to allow them to return to their homes, the latter refused to do so unless a fine Rs. 500 was paid. On the Mahar brothers pleading their inability to pay such a heavy sum, one of the Marathas suggested that the Mahar brothers should be fined only Rs. 125. But then one of the Marathas opposed the proposal for fine saying that they should not be satisfied with fine, but should punish the Mahars severely for their crime of concealing their caste. Having decided upon the course, the Mahar brothers were detained and at about 9 O'clock in the morning they were subjected to barbarous indignities. Their mustaches in the left side and eyebrows on the right side were shaved, their bodies besmeared with soot mixed in oil and also with dirt, garlands made of old shoes were put around their necks, and one of them was asked to hold a broom in his hand and the other to hold a placard on which it was written that the punishment was meted out to the culprits for venturing to touch high caste people. The Mahar brothers were taken in procession consisting of about 75 people, a drum being beaten in the front.

A complaint has been lodged with the Police by the said two Mahar brothers. The accused in their statement have admitted that Damoo and Laxuman were treated in the alleged manner, but pleaded that, the complainants had willingly agreed to undergo the punishment. Obviously Damoo and Laxuman were helpless when they were abused, assaulted and threatened with severe punishment and actually subjected to barbarous indignities. This case has created a great sensation among the people belonging to the so-called untouchables castes and efforts are being made to give proper legal aid to the complainants.

#### Item No. 8

(Bombay Legislative Council Debates 1927, Vol. XX)

(Part XVI, p. 1373)

#### *Police : Enlistment of Mahars*

*Dr. B. R. Ambedkar:* Will Government be pleased to state whether there is any rule prohibiting the enlistment of the Depressed classes in the police constabulary force of the Presidency ?

*The Honourable Mr. J. E. B. Hotson :* There is no such rule.

*Dr. B. R. Ambedkar:* Will the Honourable Member please inform me why the Commissioner of Police for the city of Bombay refuses to appoint depressed class members in the police constabulary if there is no restriction ?

*The Honourable Mr. J. E. B. Hotson :* This opens up a very large subject, I can only say that there are practical difficulties which are known to every member of this House, and which stand in the way of the more extensive enlistment of these classes in the police. There is no prohibition against it.

*N.B.*—The practical difficulties referred to by Mr. Hotson are evidently difficulties arising **out** of untouchability.

**Item No. 9**

(Bombay Legislative Council Debates 1928, Vol. XXII)

(Part II, pp. 96-97)

*Clerks in Government Service*

*Mr. R. S. Asarale:* Will Government be pleased to state the total number in the clerical ranks in the offices of the various departments of [Government] ?

*The Honourable Sir Chunilal Mehta:* A statement giving the requisite information is placed on the Council Table :

	Marathas and allied castes	Muham-madans	Depres-sed classes	Advan-ced Hindus	Parsis	Chris-tians and Jews	Others	Total
I The Secretariat.	31	11	..	268	38	81	11	440
II P. W. D.	6	..	..	64	8	10	3	91
III Collector of Bombay	3	8	..	28	..	4	1	44
IV Commis-sioner of Excise.	1	..	..	12	5	..	..	18
V Small Causes Court.	9	7	..	58	1	5	8	97
VI High Court.	4	15	..	125	22	23	9	198
VII Bombay Police Courts.	7	4	..	32	..	4	..	47
VIII Com-missioner of Police, Bombay.		7	..	59	..	4		87

**Item No. 10**(From the *Times of India* 30th May 1928)

## THROUGH INDIAN EYES

## “CHAMARDAS AND MAHARDAS”

How sincere the political lions are when they roar about the disabilities and hardships of the Untouchables, was clearly brought out at the Maharashtra Conference when the question of the removal of untouchability was adroitly shelved. Among the half dozen or so of protestants against this trick were men belonging to the *Swarajya*. One of them wrote in that paper an outspoken article, exposing the general Hindu outlook on the thorny problem,

which throws much light on what the Maharashtra Conference did. "While speaking to me the other day," says the writer about the Samata Sangha (Social Equality Society) of Poona, "a friend of mine said : 'Because people like you join them, these Chambhardas and Mahardas (contemptible Chamars and Mahars) become insolent' ..... . From this utterance one can realise what a terrible hatred of the Untouchable classes still exists among the upper classes."

#### RESOLUTIONS AND ACTS

The sad reformer continues : "Mahatmaji issued a proclamation that untouchability was a blot on Hindu dharma; Swamy Shradhdhanand and Lala Lajpatrai have said all along that we shall never be able to win Swaraj if untouchability is not removed from Hindu Society ; during the last seven years resolutions for its removal are being adopted by the Congress; but what is the actual result of all these activities ? Utterances like the one given above are still coming out of the mouths of highly educated persons !

We pass resolutions in the Congress and the Hindu Sabha advocating temple entry of Untouchables and urging that public tanks, wells, etc., should be thrown open to them. But when the time for putting them into practice comes, we condemn the Untouchables, nay, we assault them and then proceed legally against them and send them to jail."

#### Item No. 11

#### RESOLUTIONS PASSED AT THE DEPRESSED CLASSES

#### CONFERENCE HELD AT DAPOLI (District Ratnagiri)

1. (a) This Conference express indignation at the campaign of persecution carried on by the so-called high caste Hindus in this district against the depressed classes for the refusal on the latter's part to eat the meat of dead animals.

(b) This Conference is extremely grieved to find that the Police officers and Magistrates in the district systematically abuse the depressed class people instead of giving them protection against the tyranny and injustice to which they are being subjected by the so-called high caste Hindus through impounding the cattle of the former, committing assaults on them and making it impossible for them to obtain the necessaries of life in the bazars by observing a strict social bycott against them.

(c) This Conference appeals to the Government to take steps for having the usual *baluta* remuneration paid to the Watandar Mahars who have been deprived of the same by the high caste Hindu villagers owing to the former's refusal to eat the carrion and carry dead animals, beg alms and do other unclean things.

2. (a) Having come to know that in a number of villages it is the Police Patel who countenances the campaign of persecution against the depressed class people, this Conference requests the Government to take proper steps against such Police Patels.

(b) This Conference requests the Government to appoint in each district a special Police Inspector from amongst the depressed classes for the protection of these classes and to admit recruits from these classes in the police service.

(c) This Conference requests the Government immediately to quarter punitive police under the command of military pensioners belonging to the depressed classes, at the villages of Vadval, Matven, Tulsi, Degaon, Mandan-gad, Satara etc. at the expense of the so-called high caste Hindus residing in these villages in view of the fact that owing to harassment and social boycott and open assaults it has become impossible for the depressed classes to live in these villages.

3. This Conference is emphatically of the opinion that no further instalment of self-government be given to India except with proper safeguard for the interests of the depressed classes.

### Item No. 12

(From the *Bombay Chronicle* dated 20-10-27)

#### MUNICIPAL SCHOOLS [IN THE CITY OF BOMBAY]

The Schools Committee has made itself ridiculous by taking fright at the little question of drinking "lotas" (pots). It seems that, in spite of the Corporation's resolution that there should be no caste discrimination in the Municipal Schools, "depressed" class children are given separate pots for drinking water. A sub-committee of the Schools Committee recommended that all children should be given the same pots. But the members of the Schools Committee gravely cogitated over this recommendation and entertained all sorts of fears. Some said that the change would be resented by the caste Hindus ; evidently, the resentment of the "low" caste Hindus does not count for much. Prof. V. G. Rao said that it was a revolutionary change and Mr. D. G. Dalvi, himself a well-known social reformer, added to these fears a legal one, that some parents might file a suit against the Committee. Ultimately the Schools Committee referred the question back to the sub-committee, which was tantamount to saying that the latter's recommendation was not acceptable to them.

#### A CALCULATED INSULT

The fears mentioned above are absurd, as every boy is expected to wash a pot well before using it, on sanitary and—if he is so minded—on caste grounds. That a pot once used by an "untouchable" boy becomes itself untouchable or unusable by the "high" caste Hindus in spite of its being washed clean, is a calculated insult to the unfortunate "depressed" classes, which we certainly did not expect the Schools Committee to countenance. Mr. Dalvi stated that in view of compulsory education in some Wards parents might file a suit against the Committee "for enforcing an obligation which was by no means a legal one". But nobody is under an obligation to

use the common pots in the schools. Those parents who are so over scrupulous may give their own pots to their children and thereby protect their "religion". As for the "depressed" classes the insult to them remains, whether they bring their own pots or betake themselves to other schools where better notions of justice prevail.

## D

# 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

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 Fröom 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.

\*

\*

\*

\*

\*

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.

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.

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



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, out 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

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;

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

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

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.

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.

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 ?

*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

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.

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

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 ?

*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.

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

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.



## **E**

**\*NOTE BY Dr. B. R. AMBEDKAR TO  
THE INDIAN FRANCHISE COMMITTEE  
(LOTHIAN COMMITTEE)  
ON THE DEPRESSED CLASSES  
SUBMITTED ON 1st MAY 1932**

### **I. General**

1. I have agreed to confine the term depressed classes to untouchables only. In fact, I have myself sought to exclude from the untouchables all those in whom there cannot be the same consciousness of kind as is shared by those who suffer from the social discrimination that is inherent in the system of untouchability and who are therefore likely to exploit the untouchables for their own purposes. I have also raised no objection to the utilisation of tests 7 and 8 referred to in the Committee's report for the ascertainment of the untouchable classes. But as I find that different persons seek to apply them in different ways, or put different constructions on them I feel it necessary to explain my point of view in regard to this matter.

2. In the first place it is urged in some quarters that whatever tests are applied for ascertaining the untouchable classes they must be applied uniformly all over India. In this connection, I desire to point out that in a matter of this sort it would hardly be appropriate to apply the same test or tests all over India. India is not a single homogeneous country. It is a continent. The various Provinces are marked by extreme diversity of conditions and there is no tie of race or language. Owing to absence of communication each Province has evolved along its own lines with its own peculiar manners and modes of social life. In such circumstances the degree of uniformity with which most of the tests of untouchability are found to apply all over India is indeed remarkable. For instance, bar against temple entry exists everywhere in India. Even the tests of well-water and pollution

---

\* Report of the Indian Franchise Committee, Vol. I, Second Edition, pp. 202-11, The Indian Franchise Committee was constituted on the recommendations by the Franchise Sub-Committee of the Round Table Conference in December 1931. The Committee consisted of 18 members including Dr. Ambedkar. The Marquess of Lothian, C. H., Parliamentary Under Secretary of State for India, was the Chairman of this Committee.

by touch apply in every Province, although not with the same rigidity everywhere. But to insist on absolute uniformity in a system like that of untouchability which after all is a matter of social behaviour and which must therefore vary with the circumstances of each Province and also of each individual is simply to trifle with the problem. The Statutory Commission was quite alive to this possible line of argument and after careful consideration rejected it by recognizing the principle of diversity in the application of tests of untouchability. On page 67 of Vol. II which contains its recommendations it observed : "It will plainly be necessary, after the main principles of the new system of representation have been settled, to entrust to some specially appointed body (like the former Franchise Committee) the task of drawing up fresh electoral rules to carry these principles into effect, and one of the tasks of such a body will be to frame for each province a definition of 'depressed classes' (which may well vary, sometimes even between parts of the same province), and to determine their numbers as so defined." Another point which I wish to emphasize is the futility of insisting upon the application of uniform tests of untouchability all over India. It is a fundamental mistake to suppose that differences in tests of untouchability indicate differences in the conditions of the untouchables. On a correct analysis of the mental attitude they indicate, it will be found that whether the test is causing pollution by touch or refusal to use common well, the notion underlying both is one and the same. Both are outward registers of the same inward feeling of defilement, odium, aversion and contempt. Why will not a Hindu touch an untouchable ? Why will not a Hindu allow an untouchable to enter the temple or use the village well ? Why will not a Hindu admit an untouchable in the inn ? The answer to each one of these questions is the same. It is that the untouchable is an unclean person not fit for social intercourse. Again, why will not a Brahmin priest officiate at religious ceremonies performed by an untouchable ? Why will not a barber serve an untouchable ? In these cases also the answer is the same. It is that it is below dignity to do so. If our aim is to demarcate the class of people who suffer from social odium then it matters very little which test we apply. For as I have pointed out each of these tests is indicative of the same social attitude on the part of the touchables towards the untouchables.

3. In the second place the view is put forth that in applying the test of "causing pollution by touch" for ascertaining the untouchable classes effect must be given to it in its literal sense—and not in its notional sense. In the literal sense untouchables are only those persons whose touch not only causes pollution and is therefore avoided, or if not avoided is washed off by purification. In the notional sense an untouchable is a person who is deemed to belong to a class which is commonly held to cause pollution by touch, although contact with such a person may for local circumstances not be avoided or may not necessitate ceremonial purification. According to those who seek to apply the test in its literal sense the conclusion would be

the so-called untouchables should cease to be reckoned as untouchables wherever conditions have so changed that people do not avoid the touch of an untouchable, or do not trouble to purify themselves of the pollution caused by their touch. I cannot accept this view which, in my opinion is based on a misconception. An individual may not be treated as an untouchable in the literal sense of the term on account of various circumstances. None the less outside the scope of such compelling circumstances he does continue to be regarded as an impure person by reason of his belonging to the untouchable class. This distinction is well brought out by the Census Superintendent of Bihar and Orissa in his Census Report of 1921 from which the following is an extract. Speaking of the relaxation of caste rules he says : "Such incidents however which we have only noticed amongst the upper and more educated castes that are aspiring to the upper ranks, are to be regarded not as sign portending the collapse of the caste system, but of its adjustment to modern conditions. The same may be said with regard to modifications of the rules about personal contact or the touching of what is eaten or drunk..... In places like Jamshedpur where work is done under modern conditions men of all castes and races work side by side in the mill without any misgivings regarding the caste of their neighbours. But, because the facts of everyday life make it impossible to follow the same practical rules as were followed a hundred years ago, it is not to be supposed that the distinctions of pure and impure, touchable and untouchable are no longer observed. A high caste Hindu will not allow an 'untouchable' to sit on the same seat, to smoke the same hookah or to touch his person, his seat, his food or the water that he drinks." If this is a correct statement of the facts of life then the difference between untouchability in its literal and notional sense is a distinction which makes no difference to the ultimate situation ; for as the extract shows untouchability in its notional sense persists even where untouchability in its literal sense has ceased to obtain. This is why I insist that the test of untouchability must be applied in its notional sense.

4. In the third place the idea is broadcast that untouchability is rapidly vanishing. I wish to utter a word of caution against the acceptance of this view, and to point out the necessity of distinguishing facts from propaganda. In my opinion what is important to be borne in mind in drawing inference from instances showing the occasional conuningling of Brahmins and non-Brahmins, touchables and untouchables is that the system of caste and the system of untouchability form really the steel frame of Hindu society. This division cannot easily be wiped out for the simple reason that it is not based upon rational, economic or racial grounds. On the other hand, the chances are that untouchability will endure far longer into the future than the optimist reformer is likely to admit on account of the fact that it is based on religious dogma. What makes it so difficult, to break the system of untouchability is the religious sanction which it has behind it. At any rate the ordinary Hindu looks upon it as part of his religion and there is no doubt that in adopting

towards untouchables in what is deemed to be an inhuman way of behaviour he does so more from the sense of observing his religion than from any motive of deliberate cruelty. Based on religion the ordinary Hindu only relaxes the rules of untouchability where he cannot observe them. He never abandons them. For abandonment of untouchability to him involves a total abandonment of the basic religious tenets of Hinduism as understood by him and the mass of Hindus. Based on religion untouchability will persist as all religious notions have done. Indian history records the attempts of many a Mahatma to uproot untouchability from the Indian soil. They include such great men as Buddha, Ramanuja and the Vaishnava saints of modern times. It would be hazardous to assume that a system which has withstood all this onslaught will collapse. The Hindu looks upon the observance of untouchability as an act of religious merit, and non-observance of it as sin. My view therefore is that so long as this notion prevails untouchability will prevail.

Having explained my views on general questions regarding interpretations and connotations of the system of untouchability, I proceed to offer some remarks on the question of the population of depressed classes in the three Provinces in which there is no unanimity of opinion.

## II. Depressed Classes in United Provinces

5. Regarding the population of the depressed classes in the United Provinces five different estimates have been given to the Committee—

- (1) estimate of the United Provinces Provincial Franchise Committee ;
- (2) estimate given by Mr. Blunt in his note ;
- (3) estimate given by the Census Commissioner;
- (4) two estimates given by the Government of the United Provinces.

I make the following observations on these estimates :

6. I agree that Mr. Blunt's note carries great authority with it. It is based on the facts which came into his possession as a Census Superintendent for United Provinces in 1911. It has the added weight of the opinion of an informal Committee of non-official Hindus which I am told was appointed by the United Provinces Government to examine the correctness of the lists of untouchable castes in United Provinces drawn up by Mr. Blunt in his first draft. All the same I differ from Mr. Blunt in the following particulars :

- (i) One is that Mr. Blunt has divided the three following single communities into two dichotomous sections, one touchable and the other untouchable :

		Touchable	Untouchable
(1) Bhoksa group	..	30,000	19,028
(2) Kori group	..	154,867	775,839
(3) Chamar group	..	2,000,000	4,187,770

- (ii) The second point of difference is that he treats the Arakh group whose population is 110,032 as touchable when as a matter of fact that group forms a part of the Pasi community which is undoubtedly an untouchable community.

My contention is that the procedure adopted by Mr. Blunt is not in accordance with facts and is not warranted by the fundamental theory of Hindu social life. That the Kori group is simply a part of the Chamar group and as such is wholly an untouchable group is borne out by the views of Mr. Blunt himself as expressed by him in the report of the United Provinces Census of 1911 of which he was the Superintendent. I rely on the remarks made by him in paragraph 347 of the Census Report of 1911 where he has discussed the connection of the Kori to the Chamar. On the same Report he makes the following observations :

“The relation between Kori and Chamar has already been referred to above. In Gorakhpur it appears to be closer still and it is said that there are no Koris there save Kori Chamars. The Kori Chamar however drops the Chamar and tries to pass himself off as a Kori pure and simple, or even by slurring the word to make it sound like Koiri. A Khalasi in Gorakhpur district was severely beaten by the rest of his Hindu fellow servants for playing this trick and making them take water from his hands.”

Regarding the Arakh group Mr. Blunt himself admits in his note that “as a whole these castes appear to be off-shoots of the important Pasi tribe” which he has treated as untouchable. Coming to the Chamar group Mr. Blunt’s reasons for excluding 2 million Chamars from the category of untouchables are given by him on page 17 of his note. He says : “Oh the other hand many Chamars have taken to cleaner occupations such as those of saddler (zingar), cobbler (mochi), groom (syce) while the extension of the leather trade at Cawnpore and elsewhere has enabled many Chamars to become wealthy when they aim at social status much higher than that of their village brethren. Such Chamars are generally regarded as touchables and many change the caste name for something less ill-sounding, for instance, Koril, Aharwar, Jatiya, Dhusiya and especially Jaiswar.” In my opinion to exclude, as Mr. Blunt has done, such Chamars as have taken to cleaner occupations or have become wealthy from the category of untouchables is a totally erroneous view. One of the characteristics of the system of untouchability and also of the caste system is that the social status of the individual rises or falls with that of the community to which he belongs. Once an untouchable always an untouchable has been the rule of Hindu social life. This is its cardinal feature and it is this which distinguishes it from the class system in which the social status of the individual rises or falls not with that of the community to which he belongs but with his own personal merits and demerits. Having regard to this fundamental and basic principle of Hindu social life, the division made by Mr. Blunt that some members of an admittedly untouchable caste are touchable must be discarded. Indeed it is a contradiction in terms and does not seem to be in accord with the facts. It is not true that sections of the Chamar caste mentioned by Mr. Blunt have been  
ted as touchable or allowed to enter temples or draw water from public wells. On the contrary, they have invented, according to Mr. Blunt’s own

statement, new names for themselves to avoid being treated as untouchables. Mr. Blunt himself gives instances of this in his Census Report for the United Provinces for 1911. I quote the following extract from Part I :

“A Jaiswar Chamar in the same way will never admit he is a Chamar but tries to pass his caste off as Jaiswar alone, a sub-caste of so many castes including Rajput. A syce once tried the trick on me and in Tundla in Agra district. I found a whole colony of Jaiswars who on enquiry proved to be descendants of Chamar regimental syces who had settled there.”

If my contentions are accepted and if that part of the population of the untouchable communities which Mr. Blunt has treated as touchable is added to the total of untouchables then Mr. Blum's figures for untouchables in the United Provinces come to 11,476,214.

7. The Census Commissioner's estimate of the population of the depressed classes is 12.6 millions, and even if a stricter computation was followed and only 'list A' which includes untouchables only was accepted the population of depressed classes so understood would come up to a little over 11 millions—a figure which very nearly agrees with that of Mr. Blunt.

8. The Government of the United Provinces has given two sets of estimates. In its first report it gave the figure of 6,773,814. In its final report it agreed with the Provincial Committee that the population of castes which fell within the definition of causing pollution by touch came to only 459,000. Regarding the estimate of 6,773,814 given in its first report it is necessary to point out that this estimate is not an estimate of the population of untouchables in the United Provinces. So far as that point is concerned the Government of the United Provinces seem tacitly to accept the figures given by Mr. Blunt in his Note. The estimate of 6,773,814 given by the U. P. Government is an estimate of people who in its opinion require to be recognised for political protection. The merits of this procedure I have discussed below. All that I wish to do here is to repeat that this estimate of the U. P. Government is not an estimate of the total population of untouchables as such. The only comment I wish to make on the estimate given by the United Provinces Government in its final report is to place beside it the estimate which it gave to the Simon Commission In their note on the position of the depressed classes which is printed as an addendum at the end of their memorandum to the Statutory Commission they said : “Of the total Hindu population of the province nearly one-third, that is almost thirteen millions are regarded by orthodox Hindus as untouchables. A list of castes classed as untouchable, extracted from the U. P. Census Report of 1901, with the population of each is appended to this note..... *The social impurity attaching to the untouchable castes merely implies that a man of high caste will not take food or water from an untouchable, and if he touches or comes in close contact with such a person he must wash before eating or even before mixing with persons of higher castes.*” It is clear from this that on the 16th of May 1928, on which the memorandum was

submitted, the population of persons who on the basis of untouchability as meaning causing pollution of touch was 13 millions. It is obvious that the definition given by the Chairman of our Committee is not different from the definition which obtained in U.P. and which is followed by the Government in 1928 in computing this total of 13 millions. I must therefore leave the United Provinces Government to explain the vast difference between the two estimates. I am, however, constrained to remark that these changes in the estimates of the untouchables in the United Provinces by the United Provinces Government are equalled by the changes in the views of the United Provinces Government regarding the method of representation of the depressed classes. In their despatch on the report of the Statutory Commission written on 23rd August 1930 the Government of the United Provinces was the staunchest supporter of separate electorates for the depressed classes. In their first report to our Committee the Government came down to nomination from a panel while in their final report it recommended reservation of seats. It would be a disaster to the cause of the depressed classes if the views of a Government were to undergo such strange oscillations in regard to two such momentous issues as the population and representation of the depressed classes.

9. Coming to the estimate given by the United Provinces Provincial Franchise *Committee* I wish to draw attention to the following facts :

- (i) The figures of the Census Commissioner, of Mr. Blunt and of the Government in 1928 all agree that the depressed class population meaning thereby those who cause pollution by touch is approximately between 11½ and 13 millions. It is therefore for the Committee to justify its surprisingly low estimate.
- (ii) I am not at all certain that when the Committee says that the two depressed class members agree in its view and the majority of the Committee were ad-idem in respect of all the implications of the agreement. At any rate, I am bound to point out that the opinion of Babu Ram Charan on this issue has no value. He belongs to the depressed class in the sense of the economically poor and educationally backward classes and not to the untouchable classes in the strict sense of the term.
- (iii) The Indian Franchise Committee has adopted two tests for the classification of untouchables, temple entry and pollution by touch. The U. P. Provincial Franchise Committee has proceeded on the basis of only one test namely causing pollution by touch and that too in its literal sense and not in its notional sense.
- (iv) In adopting our Chairman's definition of untouchability, which I must say he gave on his own responsibility, the Provincial Franchise Committee does not seem to have adverted to the clause "as it exists in the United Provinces".

10. There is another question of great importance which arises in connection with the method adopted both by Mr. Blunt and the U. P. Government in estimating the population of the depressed classes. The Indian

Franchise Committee has proceeded on the hypothesis that all those who fall under the two tests accepted by it must be treated as untouchables and must be reckoned as such for purposes of special representation. In the course of its investigation the Indian Franchise Committee found that as things stood in India, all depressed classes were not untouchables, and to include all untouchables irrespective of their economic and educational condition. Mr. Blunt and the Government of the United Provinces seem to make a distinction between "untouchables" and "depressed classes" out of quite a different sort. According to them all depressed classes are untouchables. All untouchables, however, do not belong to the category of depressed classes. This is just the reverse of the prevalent practice and the conclusions of the Indian Franchise Committee. The question is not one of mere nomenclature. It has far reaching consequences which go to affect the degree of representation. The United Provinces Government and Mr. Blunt do not take into their calculation all untouchables for the purposes of representation. They take into account only those untouchables who can be called depressed. The Indian Franchise Committee proceeds on the hypothesis that once the class of untouchables is ascertained by the application of the two tests it has accepted for the purpose the whole of the class of untouchables so ascertained must be taken into account for the purpose of representation without any further distinction between rich and poor, advanced and backward, educated and uneducated, which in my opinion is the correct procedure.

It is hardly necessary for me to say that I do not agree with the procedure adopted by Mr. Blunt and the Government of the United Provinces.

### III. Depressed Classes in the Punjab

11. In connection with the population figure for the depressed classes given in the census of 1931 I wish to draw attention to two facts :

- (1) The population of those who caused pollution by touch was according to the census of 1911, 2.8 millions while in the census of 1931 the population of untouchables is given as amounting to 1.3 millions.
- (2) The census of 1911 gives a list of 23 castes which are deemed to cause pollution by touch. The census of 1931 mentions only castes as forming the untouchable population in the Punjab.

12. Why the total population of the untouchables and the list of castes included in that category should have shrunk so much between 1911 and 1931 I am not able to ascertain. It is however necessary to state that among the untouchables of Punjab there has been going on for some years past a strong movement called the Ad-Dharm movement the object of which is to separate from the Hindu fold and form themselves into a distinct community under the new name of Ad-Dharmis. Such has been the strength of the movement that the untouchables decided to return themselves as Ad-Dharmis instead of Hindus in the census of 1931, and the Government gave recognition to this feeling and allowed the Census Superintendent of Punjab to open a new category, of Ad-Dharmis. This, led in some parts of the

Punjab to riots between the Hindus and the untouchables. As a result the untouchables in some parts returned themselves simply as Ad-Dharmis without mentioning their respective castes, and in other parts where they were prevented from doing so returned themselves as Hindus under their caste names. I am mentioning these facts to show that the difficulties created in the enumeration of the untouchables and which are admitted by the Government of Punjab may be responsible for this shrinkage in the number and list of untouchables in the Punjab. The matter therefore requires to be carefully looked into.

#### IV. Depressed Classes in Bengal

13. In regard to the depressed classes of Bengal there is an important piece of evidence to which I should like to call attention and which goes to show that the list given in the Bengal Census of 1911 is a correct enumeration of caste which have been traditionally treated as untouchable castes in Bengal. I refer to Section 7 of Regulation IV of 1809 (A regulation for rescinding Regulations IV and V of 1806 ; and for substituting rules in lieu of those enacted in the said regulations for levying duties from the pilgrims resorting to Jagannath, and for the superintendence and management of the affairs of the temple; passed by the Governor-General in Council, on the 28th of April 1809) which gives the following list of castes which were debarred from entering the temple of Jagannath at Puri : (1) Loli or Kashi, (2) Kalal or Sunri, (3) Machhua, (4) Namasudra or Chandal, (5) Ghuski, (6) Gazur, (7) Bagdi, (8) Jogi or Nurhaf, (9) Kahar-Bauri and Dulia, (10) Rajbansi, (11) Piralī, (12) Chamar, (13) Dom, (14) Pan, (15) Tiyar, (16) Bhuinnali, and (17) Hari.

The enumeration agrees with the list of 1911 Census and thus lends support to its correctness. Incidentally it shows that a period of 100 years made no change in the social status of the untouchables of Bengal.

II. In connection with the three provinces, United Provinces, Bengal and Punjab, where there is disagreement on the question of the population of the Depressed Classes I desire to draw attention to the fact that the Indian Franchise Committee has proceeded upon two distinct tests for the ascertainment of the untouchable population, while the Provincial Governments and Provincial Committees have apparently followed one single test, namely, causing pollution by touch.

#### V. Nomenclature

14. The revision of the electoral rolls consequent upon the proposed changes in the constitution is a very good occasion for considering the question of having a proper and appropriate nomenclature for the depressed classes. I therefore propose to express my opinion on this question. There is considerable objection on the part of the communities which are now called "depressed classes" to the use of that term in describing them. Several witnesses who have appeared before the Committee have given

expression to this sentiment. Besides the term 'depressed classes' has led to a great deal of confusion in the census because it includes others who are not strictly untouchables. Secondly, it gives the impression that the depressed classes are a low and helpless community when as a matter of fact in every Province numbers of them are both well-to-do and well-educated, and the whole community is acquiring consciousness of its needs, is charged with ambition for securing a respectable status in Indian society and is making Stupendous efforts to achieve it On all these grounds the term 'depressed classes' is inappropriate and unsuitable. Mr. Mullan, the Census Superintendent of Assam, has brought into use a new term called 'exterior castes' to cover the untouchables. This designation has many advantages. It defines exactly the position of the untouchables who are within the Hindu religion but outside the Hindu society and distinguishes it from Hindus who are economically and educationally depressed but who are both within the pale of Hindu religion and Hindu society. The term has two other advantages. It avoids all the confusion that is now caused by use of the vague term depressed classes and at the same time is not offensive. Our Committee did not feel competent to make recommendation in this behalf. But as a representative of the depressed classes I have no hesitation in saying that until better nomenclature is found the untouchable classes should hereafter be described by the more expressive term 'Exterior Castes' or 'Excluded Castes' and not as depressed classes.

#### **VI. Reservations**

15. Before concluding this note I would like on my part to make the same reservation which my Muslim colleagues on the Committee have made namely that the allocation of seats to labour women, and other special interests must not affect the proportion of seats which the depressed classes have claimed in the Minorities Pact submitted to the Round Table Conference.

The 1st May 1932.

**B. R. AMBEDKAR**





**Dr. Ambedkar with Mr. Muhammad Zafrulla Khan arriving at the House of Lords for the Third R. T. C. in 1932**

*Courtesy; India Office Library and Records, London*