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DR. BABASAHEB AMBEDKAR
WRITINGS AND SPEECHES

DR. BABASAHEB AMBEDKAR



WRITINGS AND SPEECHES

Vol. - 1

- Castes in India.
- Annihilation of Caste.
- Maharashtra as a Linguistic Province.
- Need for Checks and Balances.
- Thoughts on Linguistic States.
- Ranade, Gandhi and Jinnah.
- Evidence before Southberough.
- Committee on Franchise.
- Federation versus Freedom.
- Communal Deadlock and Way to solve it.
- States and Minorities.
- Small Holdings in India and their Remedies.
- Mr. Russell and Reconstruction of Society.

DR. AMBEDKAR FOUNDATION
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
GOVERNMENT OF INDIA



Babasaheb Dr. B.R. Ambedkar
(14th April 1891 - 6th December 1956)

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DR. BABASAHEB AMBEDKAR
WRITINGS AND SPEECHES

Volume No. : 1

Compiled
by
Vasant Moon

Dr. Ambedkar Foundation
Ministry of Social Justice & Empowerment
Govt. of India

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MESSAGE

Babasaheb Dr. B.R.Ambedkar, the first Law Minister of Independent India and the Chief Architect of the Indian Constitution, is also remembered and admired as a nationalist, statesman, sociologist, philosopher, anthropologist, historian, economist, jurist, a prolific writer and a powerful orator.

To celebrate Birth Centenary of Babasaheb Dr. B.R.Ambedkar in a befitting manner, a National Centenary Celebrations Committee was constituted during the year 1990-91 with the then Hon'ble Prime Minister as its Chairman. Dr. Ambedkar Foundation was established by the Government of India under the aegis of the then Ministry of Welfare (now Ministry of Social Justice & Empowerment) with the objective to promote Babasaheb's ideals and also to administer some of the schemes which emanated from the Centenary Celebrations.

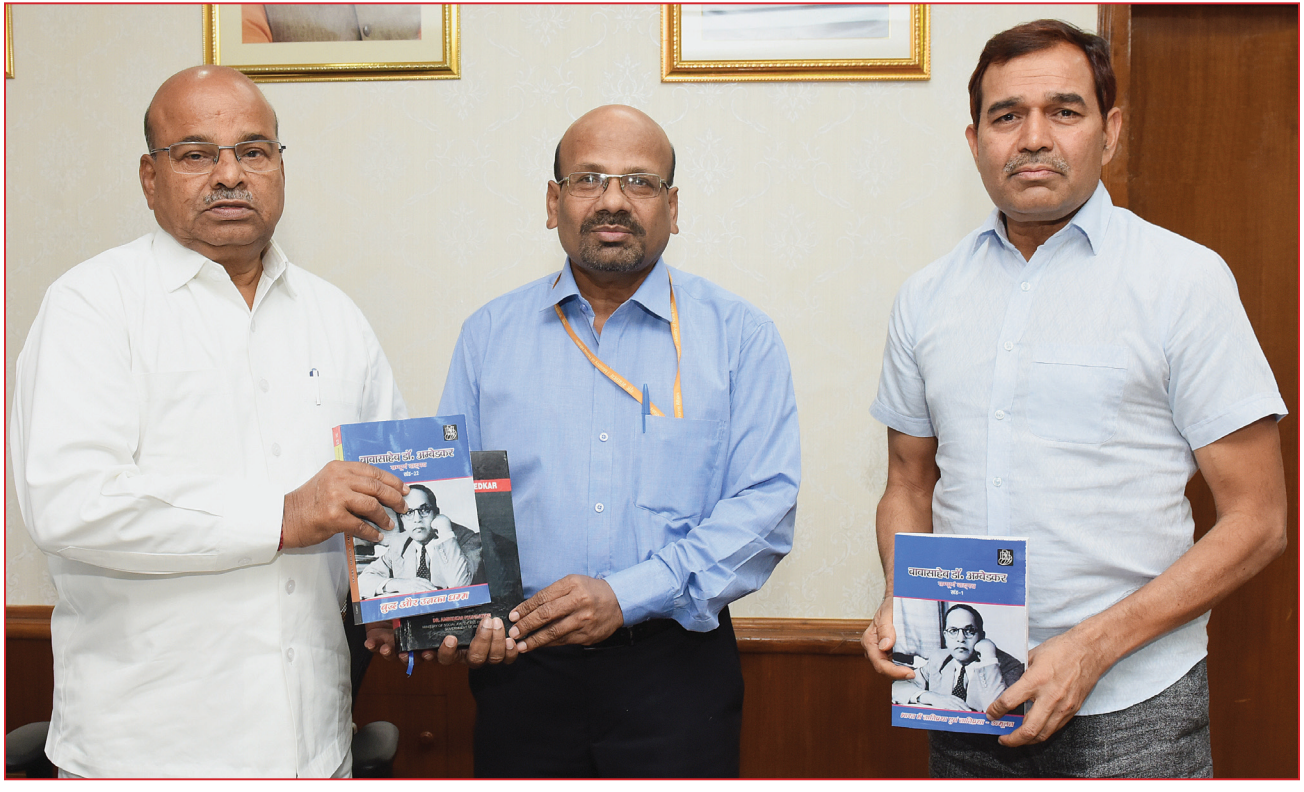
During these Celebrations, the Ministries and Departments of Government of India and State and Union Territory Governments had organized number of Programmes and had announced various Schemes. The Government of Maharashtra had also organized number of Programmes/Schemes and gave fillip to its project on compilation of Dr. Ambedkar Works viz. 'Dr. Babasaheb Ambedkar Writings and Speeches'. Dr. Ambedkar Foundation was also entrusted with the project of translation and publication of Dr. Ambedkar's Works by Government of Maharashtra, into Hindi and various regional languages. The Foundation also brought English versions of CWBA Volumes and keeping in view the demand for these Volumes (English), they have now been re-printed.

Dr. Ambedkar's writings are relevant today also as they were at the time these were penned. I am sure, the readers would be enriched by his thoughts. The Foundation would be thankful for any inputs or suggestions about these Volumes.

6-8-19

(Dr. Thaawarchand Gehlot)

CWBA VOLUMES RELEASE



The Complete Sets of Collected Works of Babasaheb Dr. Ambedkar, popularly known as CWBA / सम्पूर्ण वाङ्मय, in Hindi and English, being released by Dr. Thaawarchand Gehlot, Hon'ble Minister of Social Justice & Empowerment, Government of India and Chairman, Dr. Ambedkar Foundation at New Delhi. Dr. Debendra Prasad Majhi, Director of the Foundation and Sh. Surendra Singh, Member Secretary were also present on the occasion. The Volumes in Hindi (Vol. 22 to Vol. 40) have been published for the first time in 2019.

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PREFACE

Babasaheb Dr. B.R. Ambedkar was an erudite personality, a symbol of knowledge and a great son of India. He was a public intellectual, social revolutionary and a prolific communicator. He has left behind thought provoking writings and speeches bearing interdisciplinary perspectives, with insightful analysis of socio-political situations which evoke intellectual reasons and emotions. His writings are having profound sense of justice manifested in emancipation of marginalized masses. He not only dedicated his life for ameliorating the conditions of deprived sections of the society, but his views on inclusiveness and *"Samajik Samrasta"* continue inspiring national endeavor. It is expected that these Volumes may provide contemporary relevance of his thought and open up the possibilities of rethinking Dr. Ambedkar in the present day context.

The mandate of Dr. Ambedkar Foundation, inter-alia, include implementation of programmes and furthering the ideology and message of Babasaheb Dr. Ambedkar among the masses in India as well as abroad. It is a matter of great happiness that consequent upon a decision by the Governing Body of the Foundation Chaired by Hon'ble Minister of Social Justice and Empowerment, the Foundation is getting the third edition of Collected Works of Babasaheb Ambedkar (CWBA) Volumes, reprinted on popular demand of the readers.

It is informed for the benefit of all concerned that the Foundation always endeavors to make the Volumes available to the readers at an affordable price, and accordingly, it has also been decided to continue with the discount policy as per the past practices on Sale of Volumes. The discount policy of the Foundation has been annexed with each Volume. It is hoped that the Volumes will continue to be source of inspirations for the readers.

15, Janpath,
New Delhi

(Dr. Debendra Prasad Majhi)

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An ideal society should be mobile, should be full of channels for conveying a change taking place in one part to other parts. In an ideal society there should be many interests consciously communicated and shared. There should be varied and free points of contact with other modes of association. In other words there should be social endosmosis. This is fraternity, which is only another name for democracy. Democracy is not merely a form of Government. It is primarily a mode of associated living, of conjoint communicated experience. It is essentially an attitude of respect and reverence towards fellowmen.

- Dr. B. R. Ambedkar

in 'Annihilation of Caste'

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PART I

ON CASTE

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1

CASTES IN INDIA

Their Mechanism, Genesis and Development

Paper read before
the Anthropology Seminar
of
Dr. A. A. Goldenweizer
at
The Columbia University, New York, U.S.A.
on
9th May 1916

From : Indian Antiquary, May 1917, Vol. XLI

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CASTES IN INDIA

Many of us, I dare say, have witnessed local, national or international expositions of material objects that make up the sum total of human civilization. But few can entertain the idea of there being such a thing as an exposition of human institutions. Exhibition of human institutions is a strange idea ; some might call it the wildest of ideas. But as students of Ethnology I hope you will not be hard on this innovation, for it is not so, and to you at least it should not be strange.

You all have visited, I believe, some historic place like the ruins of Pompeii, and listened with curiosity to the history of the remains as it flowed from the glib tongue of the guide. In my opinion a student of Ethnology, in one sense at least, is much like the guide. Like his prototype, he holds up (perhaps with more seriousness and desire of self-instruction) the social institutions to view, with all the objectiveness humanly possible, and inquires into their origin and function.

Most of our fellow students in this Seminar, which concerns itself with primitive *versus* modern society, have ably acquitted themselves along these lines by giving lucid expositions of the various institutions, modern or primitive, in which they are interested. It is my turn now, this evening, to entertain you, as best I can, with a paper on "*Castes in India* : Their mechanism, genesis and development"

I need hardly remind you of the complexity of the subject I intend to handle. Subtler minds and abler pens than mine have been brought to the task of unravelling the mysteries of Caste ; but unfortunately it still remains in the domain of the "unexplained", not to say of the "un-understood" I am quite alive to the complex intricacies of a hoary institution like Caste, but I am not so pessimistic as to relegate it to the region of the unknowable, for I believe it can be known. The caste problem is a vast one, both theoretically and practically. Practically, it is an institution that portends tremendous consequences. It is a local problem, but one capable of much wider mischief,

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for "as long as caste in India does exist, Hindus will hardly intermarry or have any social intercourse with outsiders ; and if Hindus migrate to other regions on earth, Indian caste would become a world problem."[1] Theoretically, it has defied a great many scholars who have taken upon themselves, as a labour of love, to dig into its origin. Such being the case, I cannot treat the problem in its entirety. Time, space and acumen, I am afraid, would all fail me, if I attempted to do otherwise than limit myself to a phase of it, namely, the genesis, mechanism and spread of the caste system. I will strictly observe this rule, and will dwell on extraneous matters only when it is necessary to clarify or support a point in my thesis.

To proceed with the subject. According to well-known ethnologists, the population of India is a mixture of Aryans, Dravidians, Mongolians and Scythians. All these stocks of people came into India from various directions and with various cultures, centuries ago, when they were in a tribal state. They all in turn elbowed their entry into the country by fighting with their predecessors, and after a stomachful of it settled down as peaceful neighbours. Through constant contact and mutual intercourse they evolved a common culture that superseded their distinctive cultures. It may be granted that there has not been a thorough amalgamation of the various stocks that make up the peoples of India, and to a traveller from within the boundaries of India the East presents a marked contrast in physique and even in colour to the West, as does the South to the North. But amalgamation can never be the sole criterion of homogeneity as predicated of any people. Ethnically all people are heterogeneous. It is the unity of culture that is the basis of homogeneity. Taking this for granted, I venture to say that there is no country that can rival the Indian Peninsula with respect to the unity of its culture. It has not only a geographic unity, but it has over and above all a deeper and a much more fundamental unity—the indubitable cultural unity that covers the land from end to end. But it is because of this homogeneity that Caste becomes a problem so difficult to be explained. If the Hindu Society were a mere federation of mutually exclusive units, the matter would be simple enough. But Caste is a parcelling of an already homogeneous unit, and the explanation of the genesis of Caste is the explanation of this process of parcelling.

Before launching into our field of enquiry, it is better to advise ourselves regarding the nature of a caste I will therefore draw upon a few of the best students of caste for their definitions of it:

(1) Mr. Senart, a French authority, defines a caste as "a close corporation, in theory at any rate rigorously hereditary : equipped with a certain traditional and independent organisation, including a chief and a council, meeting on occasion in assemblies of more or less plenary

1. Ketkar, *Caste,* p. 4.

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authority and joining together at certain festivals : bound together by common occupations, which relate more particularly to marriage and to food and to questions of ceremonial pollution, and ruling its members by the exercise of jurisdiction, the extent of which varies, but which succeeds in making the authority of the community more felt by the sanction of certain penalties and, above all, by final irrevocable exclusion from the group".

(2) Mr. Nesfield defines a caste as "a class of the community which disowns any connection with any other class and can neither intermarry nor eat nor drink with any but persons of their own community".

(3) According to Sir H. Risley, "a caste may be defined as a collection of families or groups of families bearing a common name which usually denotes or is associated with specific occupation, claiming common descent from a mythical ancestor, human or divine, professing to follow the same professional callings and are regarded by those who are competent to give an opinion as forming a single homogeneous community".

(4) Dr. Ketkar defines caste as "a social group having two characteristics : (i) membership is confined to those who are born of members and includes all persons so born ; (ii) the members are forbidden by an inexorable social law to marry outside the group".

To review these definitions is of great importance for our purpose. It will be noticed that taken individually the definitions of three of the writers include too much or too little : none is complete or correct by itself and all have missed the central point in the mechanism of the Caste system. Their mistake lies in trying to define caste as an isolated unit by itself, and not as a group within, and with definite relations to, the system of caste as a whole. Yet collectively all of them are complementary to one another, each one emphasising what has been obscured in the other. By way of criticism, therefore, I will take only those points common to all Castes in each of the above definitions which are regarded as peculiarities of Caste and evaluate them as such.

To start with Mr. Senart. He draws attention to the "idea of pollution" as a characteristic of Caste. With regard to this point it may be safely said that it is by no means a peculiarity of Caste as such. It usually originates in priestly ceremonialism and is a particular case of the general belief in purity. Consequently its necessary connection with Caste may be completely denied without damaging the working of Caste. The "idea of pollution" has been attached to the institution of Caste, only because the Caste that enjoys the highest rank is the priestly Caste : while we know that priest and purity are old associates. We may therefore conclude that the "idea of pollution" is a characteristic of Caste only in so far as Caste has a religious flavour.

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Mr. Nesfield in his way dwells on the absence of messing with those outside the Caste as one of its characteristics. In spite of the newness of the point we must say that Mr. Nesfield has mistaken the effect for the cause. Caste, being a self-enclosed unit naturally limits social intercourse, including messing etc. to members within it. Consequently this absence of messing with outsiders is not due to positive prohibition, but is a natural result of Caste, *i.e.* exclusiveness. No doubt this absence of messing originally due to exclusiveness, acquired the prohibitory character of a religious injunction, but it may be regarded as a later growth. Sir H. Risley, makes no new point deserving of special attention.

We now pass on to the definition of Dr. Ketkar who has done much for the elucidation of the subject. Not only is he a native, but he has also brought a critical acumen and an open mind to bear on his study of Caste. His definition merits consideration, for he has defined Caste in its relation to a system of Castes, and has concentrated his attention only on those characteristics which are absolutely necessary for the existence of a Caste within a system, rightly excluding all others as being secondary or derivative in character. With respect to his definition it must, however, be said that in it there is a slight confusion of thought, lucid and clear as otherwise it is. He speaks of *Prohibition of Intermarriage* and *Membership by Autogeny* as the two characteristics of Caste. I submit that these are but two aspects of one and the same thing, and not two different things as Dr. Ketkar supposes them to be. If you prohibit intermarriage the result is that you limit membership to those born within the group. Thus the two are the obverse and the reverse sides of the same medal.

This critical evaluation of the various characteristics of Caste leave no doubt that prohibition, or rather the absence of intermarriage—endogamy, to be concise—is the only one that can be called the essence of Caste when rightly understood. But some may deny this on abstract anthropological grounds, for there exist endogamous groups without giving rise to the problem of Caste. In a general way this may be true, as endogamous societies, culturally different, making their abode in localities more or less removed, and having little to do with each other are a physical reality. The Negroes and the Whites and the various tribal groups that go by name of American Indians in the United States may be cited as more or less appropriate illustrations in support of this view. But we must not confuse matters, for in India the situation is different. As pointed out before, the peoples of India form a homogeneous whole. The various races of India occupying definite territories have more or less fused into one another and do possess cultural unity, which is the only criterion of a homogeneous population. Given this homogeneity as a basis, Caste becomes a problem altogether new in character and wholly absent in the situation constituted by the mere propinquity of endogamous social or

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tribal groups. Caste in India means an artificial chopping off of the population into fixed and definite units, each one prevented from fusing into another through the custom of endogamy. Thus the conclusion is inevitable that *Endogamy is the only characteristic that is peculiar to caste,* and if we succeed in showing how endogamy is maintained, we shall practically have proved the genesis and also the mechanism of Caste.

It may not be quite easy for you to anticipate why I regard endogamy as a key to the mystery of the Caste system. Not to strain your imagination too much, I will proceed to give you my reasons for it.

It may not also be out of place to emphasize at this moment that no civilized society of today presents more survivals of primitive times than does the Indian society. Its religion is essentially primitive and its tribal code, in spite of the advance of time and civilization, operates in all its pristine vigour even today. One of these primitive survivals, to which I wish particularly to draw your attention is the *Custom of Exogamy*. The prevalence of exogamy in the primitive worlds is a fact too wellknown to need any explanation. With the growth of history, however, exogamy has lost its efficacy, and excepting the nearest blood-kins, there is usually no social bar restricting the field of marriage. But regarding the peoples of India the law of exogamy is a positive injunction even today. Indian society still savours of the clan system, even though there are no clans ; and this can be easily seen from the law of matrimony which centres round the principle of exogamy, for it is not that *Sapindas* (blood-kins) cannot marry, but a marriage even between *Sagotras* (of the same class) is regarded as a sacrilege.

Nothing is therefore more important for you to remember than the fact that endogamy is foreign to the people of India. The various *Gotras* of India are and have been exogamous : so are the other groups with totemic organization. It is no exaggeration to say that with the people of India exogamy is a creed and none dare infringe it, so much so that, in spite of the endogamy of the Castes within them, exogamy is strictly observed and that there are more rigorous penalties for violating exogamy than there are for violating endogamy. You will, therefore, readily see that with exogamy as the rule there could be no Caste, for exogamy means fusion. But we have castes ; consequently in the final analysis creation of Castes, so far as India is concerned, means the superposition of endogamy on exogamy. However, in an originally exogamous population an easy working out of endogamy (which is equivalent to the creation of Caste) is a grave problem, and it is in the consideration of the means utilized for the preservation of endogamy against exogamy that we may hope to find the solution of our problem.

Thus the superposition of endogamy on exogamy means the creation of caste. But this is not an easy affair. Let us take an imaginary group that desires to make itself into a Caste and analyse what means it will have to adopt to

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make itself endogamous. If a group desires to make itself endogamous a formal injunction against intermarriage with outside groups will be of no avail, especially if prior to the introduction of endogamy, exogamy had been the rule in all matrimonial relations. Again, there is a tendency in all groups lying in close contact with one another to assimilate and amalgamate, and thus consolidate into a homogeneous society. If this tendency is to be strongly counteracted in the interest of Caste formation, it is absolutely necessary to circumscribe a circle outside which people should not contract marriages.

Nevertheless, this encircling to prevent marriages from without creates problems from within which are not very easy of solution. Roughly speaking, in a normal group the two sexes are more or less evenly distributed, and generally speaking there is an equality between those of the same age. The equality is, however, never quite realized in actual societies. At the same time to the group that is desirous of making itself into a caste the maintenance of equality between the sexes becomes the ultimate goal, for without it. endogamy can no longer subsist. In other words, if endogamy is to be preserved conjugal rights from within have to be provided for, otherwise members of the group will be driven out of the circle to take care of themselves in any way they can. But in order that the conjugal rights be provided for from within, it is absolutely necessary to maintain a numerical equality between the marriageable units of the two sexes within the group desirous of making itself into a Caste. It is only through the maintenance of such an equality that the necessary endogamy of the group can be kept intact, and a very large disparity is sure to break it.

The problem of Caste, then, ultimately resolves itself into one of repairing the disparity between the marriageable units of the two sexes within it. Left to nature, the much needed parity between the units can be realized only when a couple dies simultaneously. But this is a rare contingency. The husband may die before the wife and create a *surplus woman,* who must be disposed of, else through intermarriage she will violate the endogamy of the group. In like manner the husband may survive his wife and be *surplus man,* whom the group, while it may sympathise with him for the sad bereavement, has to dispose of, else he will marry outside the Caste and will break the endogamy. Thus both the *surplus man* and the *surplus woman* constitute a menace to the Caste if not taken care of, for not finding suitable partners inside their prescribed circle (and left to themselves they cannot find any, for if the matter be not regulated there can only be just enough pairs to go round) very likely they will transgress the boundary, marry outside and import offspring that is foreign to the Caste.

Let us see what our imaginary group is likely to do with this *surplus man* and *surplus woman.* We will first take up the case of the *surplus woman.*

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She can be disposed of in two different ways so as to preserve the endogamy of the Caste.

First: burn her on the funeral pyre of her deceased husband and get rid of her. This, however, is rather an impracticable way of solving the problem of sex disparity. In some cases it may work, in others it may not. Consequently every surplus woman cannot thus be disposed of, because it is an easy solution but a hard realization. And so the *surplus woman* (= widow), if not disposed of, remains in the group : but in her very existence lies a double danger. She may marry outside the Caste and violate endogamy, or she may marry within the Caste and through competition encroach upon the chances of marriage that must be reserved for the potential brides in the Caste. She is therefore a menance in any case, and something must be done to her if she cannot be burned along with her deceased husband.

The second remedy is to enforce widowhood on her for the rest of her life. So far as the objective results are concerned, burning is a better solution than enforcing widowhood. Burning the widow eliminates all the three evils that a *surplus woman* is fraught with. Being dead and gone she creates no problem of remarriage either inside or outside the Caste. But compulsory widowhood is superior to burning because it is more practicable. Besides being comparatively humane it also guards against the evils of remarriage as does burning; but it fails to guard the morals of the group. No doubt under compulsory widowhood the woman remains, and just because she is deprived of her natural right of being a legitimate wife in future, the incentive to immoral conduct is increased. But this is by no means an insuperable difficulty. She can be degraded to a condition in which she is no longer a source of allurement.

The problem of *surplus man* (= widower) is much more important and much more difficult than that of the *surplus woman* in a group that desires to make itself into a Caste. From time immemorial man as compared with woman has had the upper hand. He is a dominant figure in every group and of the two sexes has greater prestige. With this traditional superiority of man over woman his wishes have always been consulted. Woman, on the other hand, has been an easy prey to all kinds of iniquitous injunctions, religious, social or economic. But man as a maker of injunctions is most often above them all. Such being the case, you cannot accord the same kind of treatment to a *surplus man* as you can to a *surplus woman* in a Caste.

The project of burning him with his deceased wife is hazardous in two ways : first of all it cannot be done, simply because he is a man. Secondly, if done, a sturdy soul is lost to the Caste. There remain then only two solutions which can conveniently dispose of him. I say conveniently, because he is an asset to the group.

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Important as he is to the group, endogamy is still more important, and the solution must assure both these ends. Under these circumstances he may be forced or I should say induced, after the manner of the widow, to remain a widower for the rest of his life. This solution is not altogether difficult, for without any compulsion some are so disposed as to enjoy self-imposed celibacy, or even to take a further step of their own accord and renounce the world and its joys. But, given human nature as it is, this solution can hardly be expected to be realized. On the other hand, as is very likely to be the case, if the *surplus man* remains in the group as an active participator in group activities, he is a danger to the morals of the group. Looked at from a different point of view celibacy, though easy in cases where it succeeds, is not so advantageous even then to the material prospects of the Caste. If he observes genuine celibacy and renounces the world, he would not be a menace to the preservation of Caste endogamy or Caste morals as he undoubtedly would be if he remained a secular person. But as an ascetic celibate he is as good as burned, so far as the material well-being of his Caste is concerned. A Caste, in order that it may be large enough to afford a vigorous communal life, must be maintained at a certain numerical strength. But to hope for this and to proclaim celibacy is the same as trying to cure atrophy by bleeding.

Imposing celibacy on the *surplus man* in the group, therefore, fails both theoretically and practically. It is in the interest of the Caste to keep him as a *Grahastha* (one who raises a family), to use a Sanskrit technical term. But the problem is to provide him with a wife from within the Caste. At the outset this is not possible, for the ruling ratio in a caste has to be one man to one woman and none can have two chances of marriage, for in a Caste thoroughly self-enclosed there are always just enough marriageable women to go round for the marriageable men. Under these circumstances the *surplus man* can be provided with a wife only by recruiting a bride from the ranks of those not yet marriageable in order to tie him down to the group. This is certainly the best of the possible solutions in the case of the *surplus man.* By this, he is kept within the Caste. By this means numerical depletion through constant outflow is guarded against, and by this endogamy morals are preserved.

It will now be seen that the four means by which numerical disparity between the two sexes is conveniently maintained are : (1) burning the widow with her deceased husband ; (2) compulsory widowhood—a milder form of burning ; (3) imposing celibacy on the widower and (4) wedding him to a girl not yet marriageable. Though, as I said above, burning the widow and imposing celibacy on the widower are of doubtful service to the group in its endeavour to preserve its endogamy, all of them operate as *means.* But means, as forces, when liberated or set in motion create an end. What then is the end that these means create ? They create and perpetuate endogamy, while caste and

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endogamy, according to our analysis of the various definitions of caste, are one and the same thing. Thus the existence of these means is identical with caste and caste involves these means.

This, in my opinion, is the general mechanism of a caste in a system of castes. Let us now turn from these high generalities to the castes in Hindu Society and inquire into their mechanism. I need hardly premise that there are a great many pitfalls in the path of those who try to unfold the past, and caste in India to be sure is a very ancient institution. This is especially true where there exist no authentic or written records or where the people, like the Hindus, are so constituted that to them writing history is a folly, for the world is an illusion. But institutions do live, though for a long time they may remain unrecorded and as often as not customs and morals are like fossils that tell their own history. If this is true, our task will be amply rewarded if we scrutinize the solution the Hindus arrived at to meet the problems of the *surplus man* and *surplus woman*.

Complex though it be in its general working the Hindu Society, even to a superficial observer, presents three singular uxorial customs, namely :

(i) *Sati* or the burning of the widow on the funeral pyre of her deceased husband.

(ii) Enforced widowhood by which a widow is not allowed to remarry.

(iii) Girl marriage.

In addition, one also notes a great hankering after *Sannyasa* (renunciation) on the part of the widower, but this may in some cases be due purely to psychic disposition.

So far as I know, no scientific explanation of the origin of these customs is forthcoming even today. We have plenty of philosophy to tell us why these customs were honoured, but nothing to tell us the causes of their origin and existence. *Sati* has been honoured (C*f.* A. K. Coomaraswamy, *Sati:* A Defence of the Eastern Woman in the British Sociological Review, Vol. VI, 1913) because it is a "proof of the perfect unity of body and soul" between husband and wife and of "devotion beyond the grave", because it embodied the ideal of wifehood, which is well expressed by Uma when she said, "Devotion to her Lord is woman's honour, it is her eternal heaven : and O Maheshvara", she adds with a most touching human cry, "I desire not paradise itself if thou are not satisfied with me !" Why compulsory widowhood is honoured I know not, nor have I yet met with any one who sang in praise of it, though there are a great many who adhere to it. The eulogy in honour of girl marriage is reported by Dr. Ketkar to be as follows : "A really faithful man or woman ought not to feel affection for a woman or a man other than the one with whom he or she is united. Such purity is compulsory not only after marriage, but even before marriage, for that is the only correct ideal of chastity. No maiden could be considered pure if she feels love for a man other than the one

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to whom she might be married. As she does not know to whom she is going to be married, she must not feel affection for any man at all before marriage. If she does so, it is a sin. So it is better for a girl to know whom she has to love before any sexual consciousness has been awakened in her."[2] Hence girl marriage.

This high-flown and ingenious sophistry indicates why these institutions were honoured, but does not tell us why they were practised. My own interpretation is that they were honoured because they were practised. Any one slightly acquainted with rise of individualism in the 18th century will appreciate my remark. At all times, it is the movement that is most important; and the philosophies grow around it long afterwards to justify it and give it a moral support. In like manner I urge that the very fact that these customs were so highly eulogized proves that they needed eulogy for their prevalence. Regarding the question as to why they arose, I submit that they were needed to create the structure of caste and the philosophies in honour of them were intended to popularize them, or to gild the pill, as we might say, for they must have been so abominable and shocking to the moral sense of the unsophisticated that they needed a great deal of sweetening. These customs are essentially of the nature of *means,* though they are represented as ideals. But this should not blind us from understanding the *results* that flow from them. One might safely say that idealization of means is necessary and in this particular case was perhaps motivated to endow them with greater efficacy. Calling a means an end does no harm, except that it disguises its real character ; but it does not deprive it of its real nature, that of a means. You may pass a law that all cats are dogs, just as you can call a means an end. But you can no more change the nature of means thereby than you can turn cats into dogs; consequently I am justified in holding that, whether regarded as ends or as means, *Sati, enforced widowhood* and *girl marriage* are customs that were primarily intended to solve the problem of the *surplus man* and *surplus woman* in a caste and to maintain its endogamy. Strict endogamy could not be preserved without these customs, while caste without endogamy is a fake.

Having explained the mechanism of the creation and preservation of Caste in India, the further question as to its genesis naturally arises. The question or origin is always an annoying question and in the study of Caste it is sadly neglected ; some have connived at it, while others have dodged it. Some are puzzled as to whether there could be such a thing as the origin of caste and suggest that "if we cannot control our fondness for the word 'origin', we should better use the plural form, viz. 'origins of caste' ". As for myself I do not feel puzzled by the Origin of Caste in India for, as I have established before, endogamy is the only characteristic of Caste and when I say *Origin of Caste* I mean *The Origin of the Mechanism for Endogamy.*

2. *History of Caste in India,* 1909, pp. 2-33.

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The atomistic conception of individuals in a Society so greatly popularised—I was about to say vulgarized—in political orations is the greatest humbug. To say that individuals make up society is trivial; society is always composed of classes. It may be an exaggeration to assert the theory of class-conflict, but the existence of definite classes in a society is a fact. Their basis may differ. They may be economic or intellectual or social, but an individual in a society is always a member of a class. This is a universal fact and early Hindu society could not have been an exception to this rule, and, as a matter of fact, we know it was not. If we bear this generalization in mind, our study of the genesis of caste would be very much facilitated, for we have only to determine what was the class that first made itself into a caste, for class and caste, so to say, are next door neighbours, and it is only a span that separates the two. *A Caste is an Enclosed Class.*

The study of the origin of caste must furnish us with an answer to the question—what is the class that raised this "enclosure" around itself ? The question may seem too inquisitorial, but it is pertinent, and an answer to this will serve us to elucidate the mystery of the growth and development of castes all over India. Unfortunately a direct answer to this question is not within my power. I can answer it only indirectly. I said just above that the customs in question were current in the Hindu society. To be true to facts it is necessary to qualify the statement, as it connotes universality of their prevalence. These customs in all their strictness are obtainable only in one caste, namely the Brahmins, who occupy the highest place in the social hierarchy of the Hindu society ; and as their prevalence in non-Brahmin castes is derivative of their observance is neither strict nor complete. This important fact can serve as a basis of an important observation. If the prevalence of these customs in the non-Brahmin Castes is derivative, as can be shown very easily, then it needs no argument to prove what class is the father of the institution of caste. Why the Brahmin class should have enclosed itself into a caste is a different question, which may be left as an employment for another occasion. But the strict observance of these customs and the social superiority arrogated by the priestly class in all ancient civilizations are sufficient to prove that they were the originators of this "unnatural institution" founded and maintained through these unnatural means.

I now come to the third part of my paper regarding the question of the growth and spread of the caste system all over India. The question I have to answer is : How did the institution of caste spread among the rest of the non-Brahmin population of the country ? The question of the spread of the castes all over India has suffered a worse fate than the question of genesis. And the main cause, as it seems to me, is that the two questions of spread and of origin are not separated. This is because of the common belief among scholars that the caste system has either been imposed upon the docile

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population of India by a law-giver as a divine dispensation, or that it has grown according to some law of social growth peculiar to the Indian people.

I first propose to handle the law-giver of India. Every country has its law-giver, who arises as an incarnation *(avatar)* in times of emergency to set right a sinning humanity and give it the laws of justice and morality. Manu, the law-giver of India, if he did exist, was certainly an audacious person. If the story that he gave the law of caste be credited, then Manu must have been a dare-devil fellow and the humanity that accepted his dispensation must be a humanity quite different from the one we are acquainted with. It is unimaginable that the law of caste was *given*. It is hardly an exaggeration to say that Manu could not have outlived his law, for what is that class that can submit to be degraded to the status of brutes by the pen of a man, and suffer him to raise another class to the pinnacle ? Unless he was a tyrant who held all the population in subjection it cannot be imagined that he could have been allowed to dispense his patronage in this grossly unjust manner, as may be easily seen by a mere glance at his "Institutes". I may seem hard on Manu. but I am sure my force is not strong enough to kill his ghost. He lives, like a disembodied spirit and is appealed to, and I am afraid will yet live long. One thing I want to impress upon you is that Manu did not *give the law* of Caste and that he could not do so. Caste existed long before Manu. He was an upholder of it and therefore philosophised about it, but certainly he did not and could not ordain the present order of Hindu Society. His work ended with the codification of existing caste rules and the preaching of Caste *Dharma*. The spread and growth of the Caste system is too gigantic a task to be achieved by the power or cunning of an individual or of a class. Similar in argument is the theory that the Brahmins created the Caste. After what I have said regarding Manu, I need hardly say anything more, except to point out that it is incorrect in thought and malicious in intent. The Brahmins may have been guilty of many things, and I dare say they were, but the imposing of the caste system on the non-Brahmin population was beyond their mettle. They may have helped the process by their glib philosophy, but they certainly could not have pushed their scheme beyond their own confines. To fashion society after one's own pattern ! How glorious ! How hard ! One can take pleasure and eulogize its furtherance, but cannot further it very far. The vehemence of my attack may seem to be unnecessary ; but I can assure you that it is not uncalled for. There is a strong belief in the mind of orthodox Hindus that the Hindu Society was somehow moulded into the framework of the Caste System and that it is an organization consciously created by the *Shastras*. Not only does this belief exist, but it is being justified on the ground that it cannot but be good, because it is ordained by the *Shastras* and the *Shastras* cannot be wrong. I have urged so much on the adverse side of this attitude, not because the religious sanctity is grounded on scientific basis, nor to help those reformers who are preaching against it. Preaching did not make

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the caste system neither will it unmake it. My aim is to show the falsity of the attitude that has exalted religious sanction to the position of a scientific explanation.

Thus the great man theory does not help us very far in solving the spread of castes in India. Western scholars, probably not much given to hero-worship, have attempted other explanations. The nuclei, round which have "formed" the various castes in India, are, according to them : (1) occupation; (2) survivals of tribal organizations etc. ; (3) the rise of new belief; (4) cross-breeding and (5) migration.

The question may be asked whether these nuclei do not exist in other societies and whether they are peculiar to India. If they are not peculiar to India, but are common to the world, why is it that they did not "form" caste on other parts of this planet ? Is it because those parts are holier than the land of the *Vedas,* or that the professors are mistaken ? I am afraid that the latter is the truth.

In spite of the high theoretic value claimed by the several authors for their respective theories based on one or other of the above nuclei, one regrets to say that on close examination they are nothing more than filling illustrations— what Matthew Arnold means by "the grand name without the grand thing in it". Such are the various theories of caste advanced by Sir Denzil Ibbetson, Mr. Nesfield, Mr. Senart and Sir H. Risley. To criticise them in a lump would be to say that they are a disguised form of the *Petitio Principii* of formal logic. To illustrate : Mr. Nesfield says that "function and function only. .. was the foundation upon which the whole system of Castes in India was built up". But he may rightly be reminded that he does not very much advance our thought by making the above statement, which practically amounts to saying that castes in India are functional or occupational, which is a very poor discovery ! We have yet to know from Mr. Nesfield why is it that an occupational group turned into an occupational caste ? I would very cheerfully have undertaken the task of dwelling on the theories of other ethnologists, had it not been for the fact that Mr. Nesfield's is a typical one.

Without stopping to criticize those theories that explain the caste system as a natural phenomenon occurring in obedience to the law of disintegration, as explained by Herbert Spencer in his formula of evolution, or as natural as "the structural differentiation within an organism"—to employ the phraseology of orthodox apologists—, or as an early attempt to test the laws of eugenics—as all belonging to the same class of fallacy which regards the caste system as inevitable, or as being consciously imposed in anticipation of these laws on a helpless and humble population, I will now lay before you my own view on the subject.

We shall be well advised to recall at the outset that the Hindu society, in common with other societies, was composed of classes and the earliest known

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are the (1) Brahmins or the priestly class ; (2) the Kshatriya, or the military class ; (3) the Vaishya, or the merchant class and (4) the Shudra, or the artisan and menial class. Particular attention has to be paid to the fact that this was essentially a class system, in which individuals, when qualified, could change their class, and therefore classes did change their personnel. At some time in the history of the Hindus, the priestly class socially detached itself from the rest of the body of people and through a closed-door policy became a caste by itself. The other classes being subject to the law of social division of labour underwent differentiation, some into large, others into very minute groups. The Vaishya and Shudra classes were the original inchoate plasm, which formed the sources of the numerous castes of today. As the military occupation does not very easily lend itself to very minute sub-division, the Kshatriya class could have differentiated into soldiers and administrators.

This sub-division of a society is quite natural. But the unnatural thing about these sub-divisions is that they have lost the open-door character of the class system and have become self-enclosed units called castes. The question is : were they compelled to close their doors and become endogamous, or did they close them of their own accord ? I submit that there is a double line of answer : *Some closed the door : Others found it closed against them*. The one is a psychological interpretation and the other is mechanistic, but they are complementary and both are necessary to explain the phenomena of caste-formation in its entirety.

I will first take up the psychological interpretation. The question we have to answer in this connection is : Why did these sub-divisions or classes, if you please, industrial, religious or otherwise, become self-enclosed or endogamous ? My answer is because the Brahmins were so. Endogamy or the closed-door system, was a fashion in the Hindu society, and as it had originated from the Brahmin caste it was whole-heartedly imitated by all the non-Brahmin sub-divisions or classes, who, in their turn, became endogamous castes. It is "the infection of imitation" that caught all these sub-divisions on their onward march of differentiation and has turned them into castes. The propensity to imitate is a deep-seated one in the human mind and need not be deemed an inadequate explanation for the formation of the various castes in India. It is so deep-seated that Walter Bagehot argues that, "We must not think of . . . imitation as voluntary, or even conscious. On the contrary it has its seat mainly in very obscure parts of the mind, whose notions, so far from being consciously produced, are hardly felt to exist; so far from being conceived beforehand, are not even felt at the time. The main seat of the imitative part of our nature is our belief, and the causes predisposing us to believe this or disinclining us to believe that are among the obscurest parts of our nature. But as to the imitative nature

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of credulity there can be no doubt."[3] This propensity to imitate has been made the subject of a scientific study by Gabriel Tarde, who lays down three laws of imitation. One of his three laws is that imitation flows from the higher to the lower or, to quote his own words, "Given the opportunity, a nobility will always and everywhere imitate its leaders, its kings or sovereigns, and the people likewise, given the opportunity, its nobility."[4] Another of Tarde's laws of imitation is : that the extent or intensity of imitation varies inversely in proportion to distance, or in his own words "The thing that is most imitated is the most superior one of those that are nearest. In fact, the influence of the model's example is efficacious inversely to its *distance* as well as directly to its superiority. Distance is understood here in its sociological meaning. However distant in space a stranger may be, he is close by, from this point of view, if we have numerous and daily relations with him and if we have every facility to satisfy our desire to imitate him. This law of the imitation of the nearest, of the least distant, explains the gradual and consecutive character of the spread of an example that has been set by the higher social ranks."[5]

In order to prove my thesis—which really needs no proof—that some castes were formed by imitation, the best way, it seems to me, is to find out whether or not the vital conditions for the formation of castes by imitation exist in the Hindu Society. The conditions for imitation, according to this standard authority are : (1) that the source of imitation must enjoy prestige in the group and (2) that there must be "numerous and daily relations" among members of a group. That these conditions were present in India there is little reason to doubt. The Brahmin is a semi-god and very nearly a demi-god. He sets up a mode and moulds the rest. His prestige is unquestionable and is the fountain-head of bliss and good. Can such a being, idolised by scriptures and venerated by the priest-ridden multitude, fail to project his personality on the suppliant humanity ? Why, if the story be true, he is believed to be the very end of creation. Such a creature is worthy of more than mere imitation, but at least of imitation ; and if he lives in an endogamous enclosure, should not the rest follow his example ? Frail humanity! Be it embodied in a grave philosopher or a frivolous housemaid, it succumbs. It cannot be otherwise. Imitation is easy and invention is difficult.

Yet another way of demonstrating the play of imitation in the formation of castes is to understand the attitude of non-Brahmin classes towards those customs which supported the structure of caste in its nascent days until, in the course of history, it became embedded in the Hindu mind and hangs there to this day without any support—for now it needs no prop but belief—like

3. *Physics and Politics,* 1915, p. 60.
4. *Laws of Imitation,* Tr. by E.C. Parsons, 2nd edition, p. 217.
5. *Ibid.,* p. 224.

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a weed on the surface of a pond. In a way, but only in a way, the status of a caste in the Hindu Society varies directly with the extent of the observance of the customs of *Sati,* enforced widowhood, and girl marriage. But observance of these customs varies directly with the *distance* (I am using the word in the Tardian sense) that separates the caste. Those castes that are nearest to the Brahmins have imitated all the three customs and insist on the strict observance thereof. Those that are less near have imitated enforced widowhood and girl marriage ; others, a little further off, have only girl marriage and those furthest off have imitated only the belief in the caste principle. This imperfect imitation, I dare say, is due partly to what Tarde calls "distance" and partly to the barbarous character of these customs. This phenomenon is a complete illustration of Tarde's law and leaves no doubt that the whole process of caste-formation in India is a process of imitation of the higher by the lower. At this juncture I will turn back to support a former conclusion of mine, which might have appeared to you as too sudden or unsupported. I said that the Brahmin class first raised the structure of caste by the help of those three customs in question. My reason for that conclusion was that their existence in other classes was derivative. After what I have said regarding the role of imitation in the spread of these customs among the non-Brahmin castes, as means or as ideals, though the imitators have not been aware of it, they exist among them as derivatives ; and, if they are derived, there must have been prevalent one original caste that was high enough to have served as a pattern for the rest. But in a theocratic society, who could be the pattern but the servant of God ?

This completes the story of those that were weak enough to close their doors. Let us now see how others were closed in as a result of being closed out. This I call the mechanistic process of the formation of caste. It is mechanistic because it is inevitable. That this line of approach, as well as the psychological one, to the explanation of the subject has escaped my predecessors is entirely due to the fact that they have conceived caste as a unit by itself and not as one within a System of Caste. The result of this oversight or lack of sight has been very detrimental to the proper understanding of the subject matter and therefore its correct explanation. I will proceed to offer my own explanation by making one remark which I will urge you to bear constantly in mind. It is this : that *caste in the singular number is an unreality. Castes exist only in the plural number.* There is no such thing as a caste : There are always castes. To illustrate my meaning : while making themselves into a caste, the Brahmins, by virtue of this, created non-Brahmin caste; or, to express it in my own way, while closing themselves in they closed others out. I will clear my point by taking another illustration. Take India as a whole with its various communities designated by the various creeds to which they owe allegiance, to wit, the Hindus, Mohammedans, Jews, Christians and Parsis. Now, barring the Hindus, the rest within themselves are non-caste communities.

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But with respect to each other they are castes. Again, if the first four enclose themselves, the Parsis are directly closed out, but are indirectly closed in. Symbolically, if Group A wants to be endogamous, Group B has to be so by sheer force of circumstances.

Now apply the same logic to the Hindu society and you have another explanation of the "fissiparous" character of caste, as a consequence of the virtue of self-duplication that is inherent in it. Any innovation that seriously antagonises the ethical, religious and social code of the Caste is not likely to be tolerated by the Caste, and the recalcitrant members of a Caste are in danger of being thrown out of the Caste, and left to their own fate without having the alternative of being admitted into or absorbed by other Castes. Caste rules are inexorable and they do not wait to make nice distinctions between kinds of offence. Innovation may be of any kind, but all kinds will suffer the same penalty. A novel way of thinking will create a new Caste for the old ones will not tolerate it. The noxious thinker respectfully called Guru (Prophet) suffers the same fate as the sinners in illegitimate love. The former creates a caste of the nature of a religious sect and the latter a type of mixed caste. Castes have no mercy for a sinner who has the courage to violate the code. The penalty is excommunication and the result is a new caste. It is not peculiar Hindu psychology that induces the excommunicated to form themselves into a caste ; far from it. On the contrary, very often they have been quite willing to be humble members of some caste (higher by preference) if they could be admitted within its fold. But castes are enclosed units and it is their conspiracy with clear conscience that compels the excommunicated to make themselves into a caste. The logic of this obdurate circumstance is merciless, and it is in obedience to its force that some unfortunate groups find themselves enclosed, because others in enclosing, themselves have closed them out, with the result that new groups (formed on any basis obnoxious to the caste rules) by a mechanical law are constantly being converted into castes to a bewildering multiplicity. Thus is told the second tale in the process of Caste formation in India.

Now to summarise the main points of my thesis. In my opinion there have been several mistakes committed by the students of Caste, which have misled them in their investigations. European students of Caste have unduly emphasised the role of colour in the Caste system. Themselves impregnated by colour prejudices, they very readily imagined it to be the chief factor in the Caste problem. But nothing can be farther from the truth, and Dr. Ketkar is correct when he insists that "All the princes whether they belonged to the so-called Aryan race, or the so-called Dravidian race, were Aryas. Whether a tribe or a family was racially Aryan or Dravidian was a question which never troubled the people of India, until foreign scholars came in and began to draw the line. The colour of the skin had long ceased to be a matter of

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importance."[6] Again, they have mistaken mere descriptions for explanation and fought over them as though they were theories of origin. There are occupational, religious etc., castes, it is true, but it is by no means an explanation of the origin of Caste. We have yet to find out why occupational groups are castes ; but this question has never even been raised. Lastly they have taken Caste very lightly as though a breath had made it. On the contrary, Caste, as I have explained it, is almost impossible to be sustained : for the difficulties that it involves are tremendous. It is true that Caste rests on belief, but before belief comes to be the foundation of an institution, the institution itself needs to be perpetuated and fortified. My study of the Caste problem involves four main points : (1) that in spite of the composite make-up of the Hindu population, there is a deep cultural unity; (2) that caste is a parcelling into bits of a larger cultural unit; (3) that there was one caste to start with and (4) that classes have become Castes through imitation and excommunication.

Peculiar interest attaches to the problem of Caste in India today; as persistent attempts are being made to do away with this unnatural institution. Such attempts at reform, however, have aroused a great deal of controversy regarding its origin, as to whether it is due to the conscious command of a Supreme Authority, or is an unconscious growth in the life of a human society under peculiar circumstances. Those who hold the latter view will, I hope, find some food for thought in the standpoint adopted in this paper. Apart from its practical importance the subject of Caste is an all absorbing problem and the interest aroused in me regarding its theoretic foundations has moved me to put before you some of the conclusions, which seem to me well founded, and the grounds upon which they may be supported. I am not, however, so presumptuous as to think them in any way final, or anything more than a contribution to a discussion of the subject. It seems to me that the car has been shunted on wrong lines, and the primary object of the paper is to indicate what I regard to be the right path of investigation, with a view to arrive at a serviceable truth. We must, however, guard against approaching the subject with a bias. Sentiment must be outlawed from the domain of science and things should be judged from an objective standpoint. For myself I shall find as much pleasure in a positive destruction of my own idealogy, as in a rational disagreement on a topic, which, notwithstanding many learned disquisitions is likely to remain controversial forever. To conclude, while I am ambitious to advance a Theory of Caste, if it can be shown to be untenable I shall be equally willing to give it up.

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6. *History of Caste,* p. 82.

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ANNIHILATION OF CASTE
WITH
A Reply to Mahatma Gandhi

"Know Truth as Truth and Untruth as Untruth"
—Buddha

"He that WILL NOT reason is a bigot
He that CANNOT reason is a fool
He that DARE NOT reason is a slave"
—H. Drummond

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ANNIHILATION OF CASTE

PREFACE TO THE SECOND EDITION

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

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

B. R. AMBEDKAR

PREFACE TO THE THIRD EDITION

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

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

22, Prithwiraj Road
New Delhi
1st December 1944

B. R. AMBEDKAR

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PROLOGUE

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

My dear Doctor Saheb,

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

* * * * *

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

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

* * * * *

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

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

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

27-3-36

Revered Dr. Ji,

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

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

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

* * * * *

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

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

* * * * *

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

5 Montgomery Road
Lahore, 7-2-36

Dear Doctor Ambedkar,

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

Yours sincerely,
G. C. NARANG

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

Lahore, dated April 14, 1936

My dear Doctor Sahib,

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

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

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

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

Yours sincerely,
HAR BHAGWAN

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

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

Lahore, 22-4-36

Dear Dr. Ambedkar,

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

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

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

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

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

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

I am, yours sincerely,
HAR BHAGWAN

To this letter I sent the following reply :

27th April 1936

Dear Mr. Har Bhagwan,

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

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

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

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

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

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

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

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

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

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

Yours sincerely,
B. R. AMBEDKAR

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

Rajgriha, Dadar, Bombay 14
15th May 1936 **B. R. AMBEDKAR**

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SPEECH PREPARED

BY

Dr. B.R. AMBEDKAR

FOR

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

BUT

NOT DELIVERED

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

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Friends,

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

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

II

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

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

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

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

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

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

(1) Balais must not wear gold-lace-bordered pugrees.

(2) They must not wear dhotis with coloured or fancy borders.

(3) They must convey intimation of the death of any Hindu to relatives of the deceased—no matter how far away these relatives may be living.

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(4) In all Hindu marriages, Balais must play music before the processions and during the marriage.

(5) Balai women must not wear gold or silver ornaments; they must not wear fancy gowns or jackets.

(6) Balai women must attend all cases of confinement of Hindu women.

(7) Balais must render services without demanding remuneration and must accept whatever a Hindu is pleased to give.

(8) If the Balais do not agree to abide by these terms they must clear out of the villages. The Balais refused to comply ; and the Hindu element proceeded against them. Balais were not allowed to get water from the village wells; they were not allowed to let go their cattle to graze. Balais were prohibited from passing through land owned by a Hindu, so that if the field of a Balai was surrounded by fields owned by Hindus, the Balai could have no access to his own field. The Hindus also let their cattle graze down the fields of Balais. The Balais submitted petitions to the Darbar against these persecutions ; but as they could get no timely relief, and the oppression continued, hundreds of Balais with their wives and children were obliged to abandon their homes in which their ancestors lived for generations and to migrate to adjoining States, viz. to villages in Dhar, Dewas, Bagli, Bhopal, Gwalior and other States. What happened to them in their new homes may for the present be left out of our consideration. The incident at Kavitha in Gujarat happened only last year. The Hindus of Kavitha ordered the untouchables not to insist upon sending their children to the common village school maintained by Government. What sufferings the untouchables of Kavitha had to undergo for daring to exercise a civic right against the wishes of the Hindus is too well known to need detailed description. Another instance occurred in the village of Zanu in the Ahmedabad district of Gujarat. In November 1935 some untouchable women of well-to-do families started fetching water in metal pots. The Hindus looked upon the use of metal pots by untouchables as an affront to their dignity and assaulted the untouchable women for their impudence. A most recent event is reported from the village Chakwara in Jaipur State. It seems from the reports that have appeared in the newspapers that an untouchable of Chakwara who had returned from a pilgrimage had arranged to give a dinner to his fellow untouchables of the village as an act of religious piety. The host desired to treat the guests to a sumptuous meal and the items served included *ghee* (butter) also. But while the assembly of untouchables was engaged in partaking of the food, the Hindus in their hundreds, armed with lathis, rushed to the scene, despoiled the food and belaboured the untouchables who

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

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

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

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

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

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

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

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

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

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

III

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

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

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

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

IV

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

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

V

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

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

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

VI

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

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

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

VII

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

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

VIII

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

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

IX

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

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

X

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

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

XI

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

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

XII

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

XIII

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

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

XIV

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

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

XV

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

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

XVI

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

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

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

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

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

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

XVII

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

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

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

XVIII

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

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

XIX

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

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

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

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

XX

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

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

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

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

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

XXI

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

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

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

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

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

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

अनाम्नातेषु धर्मेषु कथं स्यादिति चेद्भवेत् ।
यं शिष्टा ब्राह्मणा ब्रूयुः स धर्मः स्यादशङ्कितः ।

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

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

XXII

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

योऽवमन्येत ते मूले हेतुशास्त्राश्रयात् द्विजः ।
स साधुभिर्बहिष्कार्यो नास्तिको वेदनिन्दकः ।।

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

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

श्रुतिद्वैधं तु यत्र स्याप्तत्र धर्मावुभौ स्मृतौ ।

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

या वेदबाह्याः स्मृतयो याश्च काश्च कुदृष्टः ।
सर्वास्ता निष्फलाः प्रेत्य तमोनिष्ठा हि तः स्मृताः ।।

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

वेदायत्वोपनिबंधृत्वत् प्रमाण्यं हि मनोः स्मृतं ।
मन्वर्थविपरीता तु या स्मृतिः सा न शस्यते ।।

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

पुराणं मानवो धर्मः सांगो वेदश्चिकित्सितं ।
आज्ञासिद्धानि चत्वारि न हन्तव्यानि हेतुभिः ।।

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

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

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

यद्यद्दाचर्यते येन धर्म्यं वाऽधर्म्यमेव वा ।
देशस्याचरणं नित्यं चरित्रं तद्धिकीर्तितम् ।।

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

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

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

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

XXIII

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

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

XXIV

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

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

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

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

XXV

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

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

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

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

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

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

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

XXVI

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

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APPENDIX I

A VINDICATION OF CASTE BY MAHATMA GANDHI

(*A Reprint of his Articles in the "Harijan"*)

Dr. Ambedkar's Indictment

I

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

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

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

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

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

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

(1) What are the scriptures ?

(2) Are all the printed texts to be regarded as an integral part of them or is any part of them to be rejected as unauthorised interpolations ?

(3) What is the answer of such accepted and expurgated scriptures on the question of untouchability, caste, equality of status, inter-dining and intermarriages ?

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

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

(*Harijan,* July 11, 1936)

II

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

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

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

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

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

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

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

(*Harijan,* July 18, 1936)

III

VARNA VERSUS CASTE

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

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

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

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

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

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

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

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

(Harijan, August 15, 1936)

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APPENDIX II

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

I

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

II

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

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

III

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

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

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

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

IV

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

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V

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

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

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VI

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

VII

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

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

VIII

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

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

IX

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

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

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

X

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

XI

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

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

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

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

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

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PART II

ON LINGUISTIC STATES

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MAHARASHTRA AS A LINGUISTIC PROVINCE

Statement submitted
to
the Linguistic Provinces Commission

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NOTE

The figures quoted in this memorandum have been taken from various books and pamphlets written by various writers on the subject of reconstituting Maharashtra on a linguistic basis. I rely upon the writers for their accuracy. Similarly, the map of Maharashtra attached to this Memorandum need not be taken as accurate or complete. The idea is merely to give a picture of how the Province when reconstituted will look like.

B. R. A.
14-10-48

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MAHARASHTRA AS A LINGUISTIC PROVINCE

PART I

THE PROBLEM OF LINGUISTIC PROVINCES

The question of Linguistic Provinces has not only led to a great deal of controversy born out of party prejudices and party interests but it has led to a difference of opinion as to the merits thereof. The points of controversy relate to claims and counter-claims as between contiguous Provinces to territories as well as to the terms of their inclusion. I shall deal with them at a later stage in so far as they relate to the creation of the Maharashtra Province. I shall first take up the question of the merits of the proposal for Linguistic Provinces.

Purposes behind the demand for Linguistic Provinces

2. What is the purpose which lies behind the demand for Linguistic Provinces ? The generality of those who advocate the creation of Linguistic Provinces do so because they believe that the Provinces have different languages and cultures. They should therefore have the fullest scope to develop their languages and their cultures. In other words, the Provinces have all the elements of a distinct nationality and they should be allowed the freedom to grow to their fullest in nationhood.

Difficulties arising out of Linguistic Provinces

3. In discussing the question of creating such Linguistic Provinces it would be very short-sighted to omit from one's consideration the fact that the structure of Government of India of the future is to be cast in a dual form : (*a*) a Central Government and (*b*) a number of Provincial Governments inextricably inter-linked and inter-woven in the discharge of their respective Legislative, Executive and Administrative functions. Before one could agree to the creation of Linguistic Provinces, one must, therefore, consider the effects which Linguistic Provinces would have on the working of the Central Government.

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4. Among the many effects that may be envisaged, the following are obvious :

(1) Linguistic Provinces will result in creating as many nations as there are groups with pride in their race, language and literature. The Central Legislature will be a League of Nations and the Central Executive may become a meeting of separate and solidified nations filled with the consciousness of their being separate in culture and therefore in interests. They may develop the mentality of political insubordination, i.e., refusal to obey the majority or of staging walk-outs. The development of such a mentality is not to be altogether discounted. If such a mentality grows it may easily make the working of the Central Government impossible.

(2) The creation of Linguistic Provinces would be fatal to the maintenance of the necessary administrative relations between the Centre and the Provinces. If each Province adopts its own language as its official language the Central Government will have to correspond in as many official languages as there are Linguistic Provinces. This must be accepted as an impossible task. How great a deadlock Linguistic Provinces will create in the working of the Governmental machine can be better understood by studying the effects of Linguistic Provinces on the Judiciary. In the new set-up, each Province will have a High Court with a series of subordinate courts below it. At the apex of these High Courts will be the Supreme Court with the right to hear appeals against the decisions of the High Courts. On the basis of Linguistic Provinces, Courts of each Province including its High Court will conduct their proceedings in the language of the Province. What is the Supreme Court to do when its jurisdiction is invoked for rectifying a wrong done by the High Court ? The Supreme Court will have to close down. For, if it is to function — every judge of the Supreme Court — I am omitting for the moment the lawyers practising therein — must know the language of every Province — which it is impossible to provide for.

No one can contemplate such a situation with equanimity. It may lead to a break-up of India. Instead of remaining united, India may end in becoming Europe — faced with the prospect of chaos and disorder.

Advantages from Linguistic Provinces

5. While it is true that the proposal of Linguistic Provinces creates a problem which goes to the very root of the matter — inasmuch as it affects the unity of India — there can be no doubt that the reconstruction of Provinces on linguistic basis has certain definite political advantages.

6. The main advantage of the scheme of Linguistic Provinces which appeals to me quite strongly is that Linguistic Provinces would make

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democracy work better than it would in mixed Provinces. A Linguistic Province produces what democracy needs, namely, social homogeneity. Now the homogeneity of a people depends upon their having a belief in a common origin, in the possession of a common language and literature, in their pride in a common historic tradition, community of social customs, etc. is a proposition which no student of sociology can dispute. The absence of a social homogeneity in a State creates a dangerous situation especially where such a State is raised on a democratic structure. History shows that democracy cannot work in a State where the population is not homogeneous. In a heterogeneous population divided into groups which are hostile and anti-social towards one another the working of democracy is bound to give rise to cases of discrimination, neglect, partiality, suppression of the interests of one group at the hands of another group which happens to capture political power. The reason why in an heterogeneous society, democracy cannot succeed is because power instead of being used *impartially* and *on merits* and for the benefit of all is used for the aggrandisement of one group and to the detriment of another. On the other hand, a State which is homogeneous in its population can work for the true ends of democracy, for there are no artificial barriers or social antipathies which lead to the misuse of political power.

7. It follows that if democracy is to function properly the subjects of the State must be so distributed as to form a single homogeneous group. The constitution for the Provinces of India which is on the anvil is designed for a democratic form of Government. It follows that each Province must be homogeneous in its population if democracy in the Province is to be successful. This is simply another way of saying that each Province must be a linguistic unit if it is to be fitted to work a democratic constitution. Herein lies the justification for Linguistic Provinces.

Can the creation of Linguistic Provinces be postponed ?

8. Can the solution of this problem be postponed ? In this connection, I would like to place before the Commission the following considerations :

(i) There is nothing new in the demand for Linguistic Provinces. Six Provinces (1) East Punjab, (2) United Provinces, (3) Bihar, (4) West Bengal, (5) Assam and (6) Orissa already exist as Linguistic Provinces. The Provinces which are clamouring for being reconstituted on linguistic basis are : (1) Bombay, (2) Madras and (3) Central Provinces. When the principle of Linguistic Provinces is accepted in the case of six Provinces, the other Provinces which are asking the same principle to be applied to them, cannot be asked to wait indefinitely:

(ii) The situation in the Non-Linguistic Provinces has become exasperating if not dangerous and is in no way different from the

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situation as it existed in the old Turkish Empire or in the old Austro-Hungarian Empire.

(iii) The demand for Linguistic Provinces is an explosive force of the same character which was responsible for blowing up the old Turkish Empire or Austro-Hungarian Empire. It is better not to allow it to get too hot when it may become difficult to prevent an explosion.

(iv) So long as the Provinces were not democratic in their constitutions and so long as they did not possess the widest sovereign powers which the new constitution gives them the urgency of Linguistic Provinces was not very great. But with the new constitution, the problem has become very urgent.

The solution of the difficulties

9. If the problem must be dealt with immediately what is to be the solution ? As has already been pointed out, the solution must satisfy two conditions. While accepting the principle of Linguistic Provinces it must provide against the break-up of India's unity. My solution of the problem therefore is that, while accepting the demand for the re-constitution of Provinces on linguistic basis, the constitution should provide that the official language of every Province shall be the same as the official language of the Central Government. It is only on that footing that I am prepared to accept the demand for Linguistic Provinces.

10. I am aware of the fact that my suggestion runs counter to the conception of Linguistic Provinces which is in vogue. It is that the language of the Province shall be its official language. I have no objection to Linguistic Provinces. But I have the strongest objection to the language of the Province being made its official language where it happens to be different from the official language of the Centre. My objection is based on the following considerations :

(1) The idea of having a Linguistic Province has nothing to do with the question of what should be its official language. By a Linguistic Province, I mean a Province which by the social composition of its population is homogeneous and therefore more suited for the realization of those social ends which a democratic Government must fulfil. In my view, a Linguistic Province has nothing to do with the language of the Province. In the scheme of Linguistic Provinces, language has necessarily to play its part. But its part can be limited to the creation of the Province, i.e., for demarcation of the boundaries of the Province. There is no categorical imperative in the scheme of Linguistic Provinces which compels us to make the language of the Province its official language. Nor is it necessary, for sustaining the cultural unity of the Province, to make the language of the

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Province its official language. For, the cultural unity of the Province, which already exists, is capable of being sustained by factors other than language such as common historic tradition, community of social customs, etc. To sustain Provincial cultural unity which already exists it does not require the use of the Provincial language for official purposes. Fortunately for the Provincialists there is no fear of a Maharashtrian not remaining a Maharashtrian because he spoke any other language. So also there is no fear of a Tamilian or an Andhra or a Bengali ceasing to be a Tamilian, Andhra or Bengali if he spoke any other language than his own mother-tongue.

(2) The out-and-out advocates of Linguistic Provinces would no doubt protest that they have no intention of converting the Provinces into separate nations. Their *bona fides* need not be doubted. At the same time, it often happens that things do take a shape which their authors never intended. It is therefore absolutely necessary to take from the very beginning every step to prevent things taking an evil shape in course of time. There is therefore nothing wrong if the loc ening of the ties in one direction is accompanied by their being tightened up in another direction.

(3) We must not allow the Provincial language to become its official language even if it was natural that the Provincial language should be the official language of the Province. There is no danger in creating Linguistic Provinces. Danger lies in creating Linguistic Provinces with the language of each Province as its official language. The latter would lead to the creation of Provincial nationalities. For the use of the Provincial languages as official languages would lead Provincial cultures to be isolated crystalized, hardened and solidified. It would be fatal to allow this to happen. To allow this is to allow the Provinces to become independent nations, separate in everything and thus open the road to the ruination of United India. In Linguistic Provinces without the language of the Province being made its official language the Provincial culture would remain fluid with a channel open for give and take. Under no circumstances, we must allow the Linguistic Provinces to make their Provincial languages their official languages.

11. The imposition of an All-India official language on a Linguistic Province which may happen to be different from the language of the Province cannot come in the way of maintaining Provincial culture. Official language will be used only in the field occupied by Government. The non-official field or what may be the purely cultural field will still remain open to the Provincial language to play its part. There may be a healthy competition between the official and non-official language. One may try to

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oust the other. If the official language succeeds in ousting the non-official language from the cultural field, nothing like it. If it fails, there cannot be much harm. Such a position cannot be said to be intolerable. It is no more intolerable than the present position in which we have English as the official language and the Provincial language as its non-official language. The only difference is that the official language will not be English but some other.

The requirements of a satisfactory solution

12. I am aware of the fact that my solution is not an ideal solution. It makes working of the constitution in the Provinces on democratic lines possible. But it does not make possible the democratic working of the constitution at the Centre. That is because mere linguistic unity, i.e., the facility to speak a common language does not ensure homogeneity which is the result of many other factors. As stated before, the representatives selected by the Provinces to the Central Legislature will remain what they are, namely, Bengalis, Tamilians, Andhras, Maharashtrians, etc., even though they may be speaking the official language of the Centre and not their mother-tongue. But an ideal solution which can be put into effect immediately, I cannot see. We must be content with the next best. The only thing we must be sure about is that the solution we adopt immediately must satisfy two conditions :

(i) It must be the very next best to the ideal; and

(ii) It must be capable of developing itself into the ideal.

Judged in the light of these considerations, I venture to say that the solution which I have suggested satisfies these two conditions.

PART II

WILL MAHARASHTRA BE A VIABLE PROVINCE ?

Tests of Viability

13. Coming to the specific question of Maharashtra Province it is necessary to be satisfied that it will be a viable Province. For being declared a viable Province, a Province must satisfy certain tests. It must be of a certain size, it must have a certain volume of population and a commensurate amount of revenue. A Province must not only be self-supporting — which any Province can be by choosing to live on a lower plane — but it must have sufficient revenue to provide for a minimum standard of administration required by efficiency and the needs of social welfare.

Is Maharashtra Viable ?

14. Does the Province of Maharashtra satisfy these tests ? The following are the figures which show the size and population of the Maharashtra Province as constituted on a linguistic basis :

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Territory	Area in square miles	Total population of the territory	Total Marathi-speaking population of the territory	Percentage of Marathi-speaking population to total population
Twelve Districts of the Bombay Presidency	47,284	1,29,13,544	1,00,45,100	77.8
Eight Districts of C. P. and Berar	36,865	70,20,694	53,88,300	76.7
Total ..	84,151	1,99,34,238	1,54,33,400	77.4
States within Bombay Presidency	11,314	27,20,207	21,20,700	77.9
Marathi-speaking Districts of Hyderabad State ..	22,766	42,49,272	32,99,300	77.6
Goa	1,534	5,80,000	5,20,000	89.6
State of Bastar	13,701	6,33,888	2,12,300	33.5
Total ..	49,315	81,83,367	61,42,300	....
Grand Total ..	1,33,466	2,81,17,605	2,15,85,700	76.8

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Area and population of Maharashtra

15. The above table gives figures for the Maharashtra Province in its two forms (1) abridged and (2) unabridged. In its unabridged form which means if all the area occupied by the Marathi-speaking people was constituted in one single Province the area and the population of Maharashtra will be 1,33,466 square miles with a population of 2,15,85,700. In its abridged form which means that if the area and population of the Marathi-speaking people comprised within the States was for the moment omitted, even then the proposed Maharashtra Province would comprise an area of 84,151 square miles with a population of 1,54,33,400.

Revenue of Maharashtra

16. Turning to the revenue side of the Province, it has been estimated that the total annual revenue at the existing rate of taxation which will accrue to the abridged Maharashtra Province will be approximately Rs. 25,61,51,000.

Comparison of Maharashtra with other Provinces

17. Some comparisons are necessary to get an idea if a Province of this size, with this population and with so much revenue will be viable. For this, I give below figures of the first or the biggest and the forty-seventh or the smallest states within the U.S.A. in order of their size and population :

States	Area in square miles
1st Texas	2,67,339
47th Delaware	2,057

States	Population
1st New York	1,26,32,890
47th Wyoming	2,57,108

18. It is obvious that Maharashtra whether one takes its abridged edition or the unabridged edition of it will be several times bigger than Delaware which is the smallest State in U.S.A. in point of area and also several times bigger than New York which is the biggest state in U.S.A. in point of population.

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19. Comparison of Maharashtra with the existing and prospective Linguistic Provinces of India may also be useful. Their position in point of area, population and revenue is as follows :

Province	Area in sq. miles	Population	Annual Revenue
			Rs.
Existing Linguistic Province—			
United Provinces ..	106,247	5,50,20,617	32,65,08,000
Bihar	69,745	3,63,40,151	16,26,78,000
Orissa	32,198	82,28,544	4,60,62,000
New Linguistic Provinces—			
Andhra	70,000	1,90,00,000	....
Karnatak	25,000	45,00,000	....
Kerala	6,000	35,00,000	....

These figures when compared with the figures for Maharashtra leave no doubt that Maharashtra will not merely be a viable Province but a strong Province in point of area, population and revenue.

PART III

SHOULD THE MAHARASHTRA PROVINCE BE FEDERAL OR UNITARY ?

20. I will now turn to what are known to be points on which there is controversy. There is no controversy regarding the unification of Maharashtra into one Province. The controversy relates to the way it should be brought about. One view is that the new Maharashtra Province should be a unitary Province, with a single legislature and a single executive. The other view is that Maharashtra should be a Federation of two sub-Provinces, one sub-Province to consist of the Marathi-speaking districts of the Bombay Presidency and the other of the Marathi-speaking districts of the present Province of the Central Provinces and Berar. The idea of creating sub-Provinces has originated from the spokesmen of the Marathi-speaking districts of Central Provinces and Berar. I am satisfied that it is only the wish of a few high-caste politicians who feel that in a unified Maharashtra their political careers will come to an end. It has no backing from the people of Central Provinces and Berar. I would not have referred to this point but for the fact that it gives me an opportunity to enunciate what I regard as a very vital principal. When it is decided to create a Linguistic Province, I am definitely of opinion that all areas which are contiguous and which speak the same language should be forced to come into it. There should be no room for choice nor for self-determination. Every attempt must be

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made to create larger provincial units. Smaller provincial units will be a perpetual burden in normal times and a source of weakness in an emergency. Such a situation must be avoided. That is why I insist that all parts of Maharashtra should be merged together in a single province.

PART IV

MAHARASHTRA AND THE CITY OF BOMBAY

Controversy over Bombay

21. Should the City of Bombay be included in Maharashtra or not is another point over which there has been a controversy. A meeting was held in Bombay in the building of the Indian Merchants Chamber. The meeting was attended by no more than sixty. With the exception of one Indian-Christian it was attended by only Gujarathi-speaking merchants and industrialists. Although it was small and sectional meeting, its proceedings were flashed on the front page of every important newspaper in India and the *Times of India* was so impressed by its importance that it wrote an editorial which while mildly castigating the vituperative tone which the speakers at the meeting adopted against the Maharashtrians, supported the resolutions passed at the meeting regarding the future of Bombay. This proves what truth there is in the reply given by Lord Birkenhead to the Irish Leader, Mr. Redmond, in the course of the Irish controversy when he said that there are cases where a minority is a majority.

My memorandum would be woefully incomplete if I omitted to deal with the *pros* and *cons* of this controversy. This is because of two reasons : In the first place, the meeting has been recognized to be very important and secondly because the resolutions of the meeting have been supported by eminent University Professors.

Proposals regarding Bombay

22. The meeting passed the following resolutions :

(1) That the question of the creation of Linguistic Provinces should be postponed ; or

(2) That if it is not postponed, Bombay City should be constituted into a separate Province.

There is a third suggestion, namely, that Konkan should be constituted into a separate Province with Bombay as its capital. There is hardly any support to this plan. There is therefore no necessity to discuss it.

Decision regarding Bombay must be made now

23. I have no complaint against that part of the Resolution which says the question of Linguistic Provinces be postponed provided the main question namely whether Bombay should or should not be included in Maharashtra is settled. If this question was settled it did not matter if it

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took five or ten years to give effect to the Settlement. But the resolution is only an escapism. It does not settle the issue. It only adjourns the controversy. The main question must therefore be tackled right now.

Ground for the exclusion of Bombay from Maharashtra

24. The arguments urged in favour of separating Bombay from Maharashtra are set out below :

(1) Bombay was never a part of Maharashtra.[1]

(2) Bombay was never a part of the Maratha Empire.[2]

(3) The Marathi-speaking people do not form a majority of the population of the City of Bombay.[3]

(4) Gujarathis have been old residents of Bombay.[4]

(5) Bombay is a trade centre for vast areas outside Maharashtra. Therefore, Bombay cannot be claimed by Maharashtra. It belongs to the whole of India.[5]

(6) It is the Gujarathi-speaking people of Bombay who have built up the trade and industry of Bombay. The Maharashtrians have been only clerks and coolies. It would be wrong to place the owners of trade and industry under the political dominance of the working classes who form the bulk of Maharashtrians.[6]

(7) Maharashtra wants Bombay to be included in Maharashtra because it wants to live on the surplus of Bombay.[7]

(8) A multi-lingual State is better. It is not so fatal to the liberty of smaller people.[8]

(9) Regrouping of Provinces should be on rational lines and not on national lines.[9]

Burden of Proof

25. On an examination of these points it is obvious that points (1) and (2) are preliminary in the sense that they help us to decide on whom rests the burden of proof. If it is proved that Bombay is part of Maharashtra, then the burden of proof for separating it from Maharashtra must fall upon those who urge that it should be separated and not upon those who claim that it should remain part of Maharashtra. I will therefore deal with these two points first.

1. Prof. Gheewala—*Free Press Journal*, September 6, 1948, and Prof. Moraes—*Free Press Journal*, September 18, 1948.
2. *Ibid*.
3. Prof. C. N. Vakil, *Free Press Journal*, September 21, 1948.
4. Prof. Gheewala, *Free Free Press Journal*, September 6, 1948.
5. Prof. C. N. Vakil, *Free Press Journal*, September 11, 1948.
6. Prof. C. N. Vakil, *Bombay Chronicle*.
7. Prof. C. N. Vakil, at the meeting of India Merchants Chamber.
8. Prof. Dantwala, *Free Press Journal*, September 1, 1948.
9. Prof. Gheewala, *Free Press Journal*, September 11, 1948.

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POINTS (1) AND (2)

Verdict of History

26. These points can be considered both in the light of history as well as of geography. I am, however, convinced that history cannot help us to decide the issue. In the first place, how far back must we go to find the data on which to base our conclusion. It is obvious that the history of the ancient past would be of no use to us in this connection. What could be of use to us is the past of the present. One may go further and question any reliance being placed upon such a past of the present for drawing any conclusion that can have a bearing on the issue before us. Most of the contacts between people during historical times have been between conquerors and conquered. This is true of India as well as of Europe. But the results of such contacts have been quite different in Europe and in India. In Europe such contacts have produced assimilation of the conflicting social elements. Frequent inter-marriages have confounded the original stocks. One language, either the most useful or the most commonly spoken, has tended to supplant the other. If one civilization is superior to the others in the same country it has automatically supplanted them. This natural tendency towards assimilation which we see in Europe is so strong that steps have to be taken to counteract it. What is the tendency in India ? It is definitely against assimilation. The Musalmans conquered Hindus. But the Musalmans remained Musalmans and the Hindus remained Hindus. The Gujarathis were conquered by Maharashtrians and were ruled by them for some years. What effect has it produced upon the Gujarathis ? Nothing. Gujarathis have remained Gujarathis and Maharashtrians have remained Maharashtrians. The Chalukyas conquered Maharashtrians and so did the Shilahars. But there was no assimilation between them. The Shilahars and Chalukyas remained what they were and so did the Maharashtrians. This being the case, what help can Indian History give in the decision of the issue ? The history of internal upheavals as well as of external aggressions has been nothing more than a passing show. Conquest means nothing and proves nothing.

Verdict of Geography

27. Let us now turn to geography and ask for its verdict. It seems to be a better witness than history. For this purpose one must consider the location of Bombay in relation to the Province of Maharashtra. The Province of Maharashtra once it is created will be triangular in shape. One side of this triangle is formed by the Western Coast Line of India between Daman in the North and Karwar in the South. The City of Bombay lies in between Daman and Karwar. The Province of Gujarat starts from Daman and spreads northwards. The Kanada Province starts from Karwar and spreads southwards. It is about 85 miles South of Daman which is the starting point of Gujarat, and 250 miles North of Karwar, which is the starting point of

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Karnatak Province. If the unbroken territory between Daman and Karwar is geographically part of Maharashtra, how could Bombay be held not to be a part of Maharashtra ? This is an incontrovertible fact of nature. Geography has made Bombay part of Maharashtra. Let those who want to challenge the fact of nature do so. To an unbiassed mind it is conclusive proof that Bombay belongs to Maharashtra.

Bombay and the Maratha Empire

28. That the Marathas did not care to make it a part of their Empire does in no way affect the validity of the conclusion drawn from geography. That the Marathas did not care to conquer it does not prove that Bombay is not a part of Maharashtra. It only means that the Maratha power was a land power and did not therefore care to spend its energy in the conquest of a seaport.

29. With the decision on Points (1) and (2), the burden must now shift on those who contended that Bombay should not be included in Maharashtra. Have they discharged the burden ? This leads to the consideration of other points.

POINT (3)

Marathi-speaking population—majority or minority

30. There is no unanimity on this question. Prof. Gadgil speaking for the inclusion of Bombay in Maharashtra asserts that the Marathi-speaking population of Bombay according to the census of 1941 is 51 per cent. Speaking against the inclusion of Bombay, Prof. Gheewala says that the Marathi-speaking population of Bombay is 41 per cent. Prof. Vakil has brought it down to 39 per cent, which he regards as a very liberal estimate. I have not had time to check up these figures and I understand that the Census of Bombay does not render much help in arriving at a precise figure. However, if one reads the reasons assigned by Prof. Vakil, one would find his conclusion to be speculative if not wishful thinking. But assuming that the figures given by Prof. Vakil are correct, what of it ? What conclusion can be drawn from it ? Does it defeat the claim of Maharashtra to include Bombay ? Ever since the British became the masters of India, India has been one country with a right to free movement from place to place. If people from all parts of India were allowed to come to Bombay and settle there, why should the Maharashtrians suffer ? It is not their fault. The present state of the population cannot therefore be a ground for excluding Bombay from Maharashtra.

POINT (4)

Are Gujarathis Natives of Bombay ?

31. Let us however fully consider the question. Are the Gujarathis natives of Bombay ? If they are not, how did they come to Bombay ? What

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is the source of their wealth ? No Gujarathi would claim that the Gujarathis are the natives of Bombay. If they are not the natives of Bombay, how did they come to Bombay ? Like the Portuguese, the French, the Dutch and the English on adventures to fight their way through and willing to take any risks? The answers which history gives to these questions are quite clear. The Gujarathis did not come to Bombay voluntarily. They were brought to Bombay by the officers of the East India Company to serve as commercial *Adatias* or go-betweens. They were brought because the East India Company's officers who had their first factory in Surat had got used to Surti Banias as their go-betweens in carrying on their trade. This explains the entry of Gujarathis in Bombay. Secondly, the Gujarathis did not come to Bombay to trade on the basis of free and equal competition with other traders. They came as privileged persons with certain trading rights given to them exclusively by the East India Company. Their importation into Bombay was considered for the first time in the year 1671 by Governor Aungier. This fact is referred to in the *Gazetteer of Bombay Town and Island*, Vol. I in the following terms :[10]

> "Another scheme for the advantage of Bombay in which Governor Aungier interested himself was the settlement of Surat Banias in Bombay. It appears that the Mahajan or committee of the Surat Bania community desired the assurance of certain privileges before risking the move to Bombay and that the company had given a general approval to the Mahajan's proposal. On the 10th January the Surat Council wrote to the Company. The Mahajan or Chief Council of the Banias have been much satisfied with the answer which you were pleased to give to their petition sent you by the ship *Samson* touching their privileges in Bombay. It seems they have determined once more to trouble Your Honours with a letter which they have ordered your broker Bhimji Parakh to write, representing their desires that the said privileges may be confirmed to them under your great seal, for which their request they give you their reason and ground in their own letter which they have sent us to be transmitted to you and now goes in your packet by ship *Falcon*. The argument they use to strengthen their request seems to have some weight. They say the Honourable Company are perpetual and their ordinances always of force, but their Presidents and Councils are mutable, and the succeeding Presidents and Councils, do alter often what their predecessors have granted on which score they hope your Honours will be pleased to grant their petition. As to our judgments hereon, we humbly offer that we cannot see any detriment can accrue to you thereby, rather a considerable advantage may follow; and as to the latitude and extent of what privileges you shall afford them, it must be totally referred to your own wisdoms howsoever you shall please to determine in this matter. We judge

10. *Bombay Gazetteer*, I, pp. 46-47.

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if your Honours would please to favour them with a line in answer to their letter, it would be a great comfort to them and no disadvantage to your interest."

32. What were the privileges which the Gujarathi Banias had asked for from the East India Company ? The following petition by one Nima Parakh, an eminent Bania belonging to the City of Diu, gives some idea of what they were :[11]

"That the Honourable Company shall allot him so much ground in or near the present, town free of rent as shall be judged necessary to build a house or warehouse thereon.

"2. That he with the Brahmans of Vers (Gors or priests) of his caste shall enjoy the free exercise of their religion within their own houses without the molestation of any person whatsoever ; that no Englishman, Portuguese, or other Christian nor Muhammadan shall be permitted to live within their compound or offer to kill any living creature there, or do the least injury or indignity to them, and if any shall presume to offend them within the limits of their said compound, upon their complaint to the Governor (at Surat), or Deputy Governor (at Bombay), the offenders shall be exemplarily punished ; that they shall have liberty to burn their dead according to their custom, also to use their ceremonies at their weddings ; and that none of their profession of what age, sex or condition whatever they be, shall be forced to turn Christians, nor to carry burthens against their wills.

"3. That he and his family shall be free from all duties of watch and ward, or any charge and duty depending thereon ; that neither the Company nor the Governor, Deputy Governor or Council, or any other person, shall on any pretence whatsoever force them to lend money for public or private account or use any indirect.

"4. That in case there falls out any difference or suit in law between him or his vakil or attorneys or the Banias of his caste, and any other persons remaining on the island, the Governor or Deputy Governor shall not suffer him or them to be publicly arrested dishonoured or carried to prison, without first giving him due notice of the cause depending, that he or they may cause justice to be done in an honest and amicable way and in case any difference happen between him or his attorney and any Bania of their own caste, they may have liberty to decide it among themselves without being forced to go to law."

"5. That he shall have liberty of trade in his own ships and vessels to what port he pleases, and come in and go out when he thinks good, without paying anchorage, having first given the Governor or Deputy Governor or customer notice and taken their consent thereunto.

11. *Bombay Gazetteer*, Vol. I, pp. 74-76.

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"6. That in case he brings any goods on shore more than he can sell on the island within the space of 12 months, he shall have liberty to transport them to what port he pleases, without paying custom for exportation.

"7. That in case any person be indebted to him, and also to other Banias, and be not able to pay all his debts, his right may be preferred before other Banias.

"8. That in case of war or any other danger which may succeed, he shall have a warehouse in the castle to secure his goods, treasure, and family therein.

"9. That he or any of his family shall have liberty of egress and regress to and from the fort or residence of the Governor or Deputy Governor; that they shall be received with civil respect and be permitted to sit down according to their qualities; that they shall freely use coaches, horses or palanquins and quitasols (that is barsums or umbrellas) for their convenience without any disturbances ; that their servants may wear swords and daggers, shall not be abused, beaten or imprisoned except they offend, and that in case of any of his kindred or friends shall come to visit him or them from any other ports, they shall be used with civility and respect.

"10. That he and his assigns shall have liberty to sell and buy coconuts, betelnuts, pan or betel-leaves, and any other commodity not rented out without any molestation on the island."

33. How this petition of Nima Parakh was disposed of can be seen from the reply of the Deputy Governor of Bombay dated 3rd April, 1677, which was in the following terms :

"According to order we have considered the articles of Nima Parakh Bania, which if we rightly understand we do not apprehend any prejudice in their concession the most of them being what the meanest enjoy.

"The first is very easy, the Company having vast ground enough, and we daily do the same to Banias and others who come to inhabit here. As to the second, the free exercise of religion is permitted to all with the use of their ceremonies at weddings and feast, the Banias always burning their dead without molestation. Neither do we permit any person to kill anything near the Banias who all live by themselves, much less can any person presume to enter into anybody's house or compound without the owner's license ; and, for forcing people to turn Christian against their wills, the whole world will vindicate us ; neither are any persons forced to carry burdens against their wills. No Bania, Brahman, Moor, or such man is obliged to watch or ward or other duty, but if any person buys an oart or warge (vada) he is bound on every alarm to send a musquiter. But if he possesses no land no duty is exacted, so the articles may be

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granted to Nima, and when he goes about to buy any land he may be acquainted with that small incumbrance thereon.

"The 4th article is indeed a privilege but no more than Girdhar, the Moody and some others have, which does not in the least exempt them from the hands of the law or justice, but does only ask that justice be done respectfully, which he need not doubt of, and for matter of differences among themselves there is already his Honour's patent authorising them to decide such things.

"As to the 5th, the great anchorage of a rupee per ton is wholly taken off. There remains only a small one of a rupee for every 100 tons, which is so inconsiderable a matter that we do not believe we will stick at it. If he does, it will amount but to a small matter being only for his own vessels that the Company may easily allow it.

"The 6th if we rightly apprehend it, is no more than what all people enjoy, who are so far from paying custom at exportation of their own goods that they pay none for what goods they buy. But if he intends his goods must pay no custom at landing nor none at exportation of what he cannot sell, it will be so great a loss to the Company, they having farmed out the customs for two years, that the benefit of his settling here, will, we believe, not countervail it, till it comes into the Company's hands again.

"As to the 7th, our law is such that if a person be indebted to several men, whosoever gets a judgment first in Court will be paid his full debt, but no man can be aggrieved at that, nor can any creditor have any pretence to what is once paid, and when judgment is given it is already paid in law, so that he is no longer proprietor of it. But when a person is indebted to two men and the first sues him and upon that the second comes in and sues him too, with what justice can we pay all the debtor's estate to the second creditor. Only of this he may be assured that all justice shall be done him with speed according to our law and the party forced to pay the full debt, if able, and lie in prison for the rest till he pleases to release him, which we suppose may well content him.

"As to the 8th, in case of war all persons of quality have liberty to repair to the castle and secure their money and other things of value. Nor that I suppose he intends to fill up the castle with gurf (coarse) goods ; but for money, jewels household stuff, cloth goods of value, that take up small room, he may bring what he pleases and may have a warehouse apart allotted for himself and family.

"The 9th and 10th we may join together, they being only to fill up the number. They are plain optics to show the nature of those they live under which, when they have experimented our Government, themselves will laugh at us, enjoying more freedom than the very articles demand, for

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the meanest person is never denied egress and regress upon respectful notice given and for horses and coaches and the like he may keep as many as he pleases and his servants be permitted to wear what arms they please, a thing common to all. Nothing is more promoted by us than the free liberty for buying and selling which is the load-stone of trade.

"That last thing he asked of having 10 *mans* of tobacco free of all duties is the most difficult thing of all, for the farmers will ask a vast deal to grant such a licence, it being a very great profit they make in the sale of 10 *mans*, so that we know not which way this article can be condescended to, but in this your Honours can judge better than us."[12]

34. In reply on the 26th April, the Surat Council wrote :[13] "We observe your answer touching the articles proposed by Nima Parakh Bania in order to his settlement on Bombay. When we come again to treat with him thereon, we hope so to moderate the affair that the island shall not receive any the least prejudice thereby and we do not question but wholly to put him by his request to 10 *mans* of tobacco which he would annually receive or bring on the island free of all duties."

POINT (5)

Bombay—an Emporium of India

35. That Bombay is an emporium for the whole of India may be admitted. But it is difficult to understand how it can be said that because of this, Maharashtra cannot claim Bombay. Every port serves a much larger area than the country to which it belongs. No one, on that account, can say the country in which the port is situated cannot claim it as a part of its territory. Switzerland has no port. It uses either German, Italian or French Ports. Can the Swiss therefore deny the right of Germany, Italy or France, the territorial rights of their ports. Why then should Maharashtrians be denied the right to claim Bombay merely because it serves as a port for Provinces other than Maharashtra ? It would be different if the Province of Maharashtra were to get a right to close the Port to Non-Maharashtrians. Under the constitution, it will not have that right. Consequently, the inclusion of Bombay in Maharashtra will not affect the right of non-Maharashtrians to use the port as before.

POINT (6)

Gujarathis—owners of Trade and Industry of Bombay

36. It may be granted that the Gujarathis have a monopoly of trade. But, as has already been pointed out, this monopoly, they have been able to establish because of the profits they were able to make which were the result of the privileges given to them by the East India Company on their

12. This is probably new demand made by Nima Parakh.
13. *Bombay Gazetteer*, Vol. I, p. 77.

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settlement in Bombay. Who built up the trade and industry of Bombay is a matter for which no very great research is necessary. There is no foundation in fact for the statement that the trade and industry of Bombay was built up by Gujarathis. It was built up by Europeans and not by Gujarathis. Those who assert that it is the Gujarathis who did it should consult the *Times of India Directory* before making such a claim. The Gujarathis have been just merchants which is quite a different thing from being industrialists.

37. Once it is established that Bombay belonged to Maharashtra the claim of Maharashtra to include Bombay cannot be defeated by the argument that the trade and industry of Bombay is owned by the Gujarathis. The claim of mortgagor to his land cannot be defeated by the mortgagee on the ground that the mortgagee has built up permanent structures on the land. The Gujarathis assuming they have built up the trade and industry of Bombay are in no better position than a mortgagee is.

38. But who have built up the trade and industry of Bombay seems to me quite irrelevant to the decision of the issue whether Bombay should or should not be included in Maharashtra. This argument based on monopoly of trade and industry is really a political argument. It means that the owners may rule the workers but the workers must not be allowed to rule the owners. Those who use this argument do not seem to know what they are up against. The one thing they are up against is whether this argument is to be confined only to the City of Bombay or whether it is to have a general application.

39. There is no reason why it should not have a general application. For just as in Bombay City society is divided into owners and workers or into capitalists and wage-earners, such also is the case of society in Gujarat or for the matter of that in every province of India. If the owners and capitalists of Bombay are to be protected by the exclusion of Bombay from Maharashtra because Maharashtrians belong to the working classes, what is the method they suggest for protecting the capitalists of Gujarat from the working classes of Gujarat. Those Gujarathi Professors like Vakils and Dantwalas who are searching their brains to supply arguments to the Gujarathi capitalists of Bombay have not thought of finding ways and means for protecting the Gujarathi capitalists of Gujarat against the working classes of Gujarat. The only remedy they can suggest is the abandonment of adult suffrage. That is the only way by which they can protect the capitalists if they are out to protect capitalists in general and not the Gujarathi capitalists of Bombay in particular.

40. There is however one argument which the Professors could urge. It is that the Maharashtrians being in a majority would discriminate against the Gujarathi capitalists of Bombay if Bombay was included in Maharashtra.

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One could appreciate such an argument. But those who like to use this argument must remember two things :

(i) That Maharashtra is not the only place in which such a situation can arise. It may arise in any province. I like to refer to Bihar. In Bihar the land in which coal is found belongs to the people of Bihar. But the coal-owners are Gujarathis, Kathiawaris or Europeans. Is there no possibility of Biharis making a discrimination against Gujarathi and Kathiawari coal-owners ? Are the coalfields of Bihar to be excluded from the Province of Bihar and constituted into a separate Province in the interest of Kathiawari and Gujarathi coal-owners ?

(ii) The constitution of India has noted the possibility of discrimination being made against a minority and has made more than ample provision for preventing it. There are the fundamental rights. There are the provisions against discrimination; there are the provisions of payment of compensation, and there are the High Courts with the inherent rights to issue high prerogative writs both against individuals and Governments to stop any harm, injustice or harassment being done to any citizen. What more protection do the Gujarathi traders and industrialists of Bombay want against the possibility of discrimination ?

POINT (7)

Maharashtra's eye on Bombay's surplus

41. Before accusing Maharashtrians of having an eye on the surplus of Bombay it must be proved that Bombay has a surplus. What appears as surplus is due really to bad accounting. It is bad accounting where expenditure on overhead charges such as (1) the Governor and his establishment, (2) the Ministers and their establishments, (3) the Legislature and the expenditure thereon, (4) Judiciary, (5) Police and (6) Provincial establishments such as those of the Commissioners of Police and Directors of Public Instruction is not being taken into account. I doubt very much if on the existing basis of taxation, Bombay will have any surplus if expenditure on these items is charged to Bombay. It is a fallacy to charge all such expenditure to Maharashtra and exempt Bombay from it and then argue that Bombay has a surplus.

42. The statement that the Maharashtrians want Bombay because they want to live on the surplus revenue of Bombay, besides being wrong in fact raises a question of motive. I do not know if the Maharashtrians are actuated by any such motive. They are not a commercial community. Unlike other communities, the Maharashtrians have no nose for money, and I am one of these who believe that it is one of their greatest virtues. Money has never been their god. It is no part of their culture. That is why they have

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allowed all other communities coming from outside Maharashtra to monopolize the trade and industry of Maharashtra. But as I have shown there is no surplus and no question of Maharashtrians casting their eyes on it.

43. But supposing such a motive in the minds of the Maharashtrians, what is wrong in it ? It is quite open to Maharashtrians to contend that they have a greater claim on Bombay's surplus because they have played and they will continue to play a greater part in supplying labour for the building up of the trade and industry of Bombay more than the people from other Provinces have done or likely to do. It would be difficult for any economist with any reputation to save who could deny that labour has as much claim on the wealth produced as capital if not more.

44. Secondly, the surplus from Bombay is not consumed by Maharashtra alone but is consumed by the whole of India. The proceeds of the Income-tax, Super-tax, etc. which Bombay pays to the Central Government are all spent by the Central Government for all-India purposes and is shared by all other Provinces. **To Prof. Vakil** it does not matter if the surplus of Bombay is eaten up by United Provinces, Bihar, Assam, Orissa, West Bengal, East Punjab and Madras. What he objects to is Maharashtra getting any part of it. This is not an argument. It is only an exhibition of his hatred for Maharashtrians.

45. Granting that Bombay was made into a separate Province, what I don't understand is how Prof. Vakil is going to prevent Maharashtra from getting share of Bombay surplus revenue. Even if Bombay is made separate Province, Bombay will have to pay income-tax, super-tax, etc. and surely Maharashtra will get a part of the revenue paid by Bombay to the Centre either directly or indirectly. As I have said the argument has in it more malice than substance.

Points (8) and (9)

General arguments against the inclusion of Bombay in Maharashtra

46. I will now turn to the Points (8) and (9) which have been urged by Professors Dantwala and Gheewala. Their arguments strike at the very root of the principle of Linguistic Provinces. As such I should have dealt with them in Part I of this Memorandum. But as the aim of their argument is to exclude Bombay from being included in Maharashtra, I have thought it proper to deal with them in this Part of the Memorandum as they are really arguments against the inclusion of Bombay in Maharashtra.

47. The sum total of the arguments of the two Professors is that Linguistic Provinces are bad. This cry against Linguistic Provinces is too late. Since when two Professors having been holding these views is not known. Are they opposed to Gujarat being reconstituted on Linguistic

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Provinces also has not been made clear by them. Or, is it that they believed in the principle of Linguistic Provinces but hurried to disavow it when they realized that the admission of the principle involves the surrender of Bombay to Maharashtra. It is perhaps one of these cases where a person not finding argument limited to his purpose is forced to resort to an argument which proves more than he is anxious to allow. I am, however, prepared to examine the substance of their argument.

48. Prof. Dantwala relies upon Lord Acton and quotes the following passage from his Essay on Nationality printed in his well-known book *The History of Freedom and Other Essays* in support of his own view against Linguistic Provinces. The quotation reads as follows :

> "The combination of various nations in one State is a necessary condition of civilized life as the combination of men in society."

49. I am sorry to say that this quotation completely misrepresents Lord Acton. The quotation is only a few opening lines of a big passage. The full passage reads as follows :

> "The combination of different nations in one State is as necessary a condition of civilized life as the combination of men in society. Inferior races are raised by living in political union with races intellectually superior. Exhausting and decaying nations are revived by the contact of younger vitality. Nations in which the elements of organization and the capacity for Government have been lost, either through the demoralizing influence of despotism or the disintegrating action of democracy, are restored and educated a new under the discipline of a stronger and less corrupted race. This fertilizing and regenerating process can only be obtained by living under one Government. It is in the cauldron of the State that the fusion takes place by which the vigour, the knowledge and the capacity of one portion of mankind may be communicated to another."

50. Why Prof. Dantwala left out the rest of the passage, it is difficult to understand. I am not suggesting that it is a deliberate case of *suppresio veri* and *suggestio falsi*. The fact is that it does misrepresent Lord Acton. Why has the Professor relied upon this passage, I do not understand. It is quite obvious that if the inferior races are placed in common with the superior races, the inferior races may improve. But the question is, who is inferior or who is superior. Are the Gujarathis inferior to Maharashtrians? Or are the Maharashtrians inferior to Gujarathis ? Secondly, what is the channel of cummunion between Gujarathis and Maharashtrians which can assure the fusion of the two ? Prof. Dantwala has not considered the question. He found a sentence in Lord Acton's Essay and jumped at it for he could find nothing else to support his case. The point is that there is nothing in the passage which has any relevance to the principle involved in the question of Linguistic Province.

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51. So much for Prof. Dantwala's arguments. I will now examine Prof. Gheewala's arguments. Prof. Gheewala also relies on Lord Acton. He quotes a portion of a passage from Lord Acton's Essay on Nationality. I reproduce below the passage in full :

> "The greatest adversary of the rights of nationality is the modern theory of nationality. By making the State and the nation commensurate with each other in theory, it reduces practically to a subject condition all other nationalities that may be within the boundary. It cannot admit them to an equality with the ruling nation which constitutes the State, because the State would then cease to be national, which would be a contradiction of the principle of its existence. According, therefore, to the degree of humanity and civilization in that dominant body which claims all the rights of the community, the inferior races are exterminated, or reduced to servitude, or outlawed, or put in a condition of dependence."

52. I do not understand why the learned Professor has dragged in the name of Lord Acton. The passage does not really help him. There is one thing which seems to be uppermost in his mind. He thinks that if Bombay is included in Maharashtra the Province of Maharashtra will consist of two nationalities—one consisting of the Marathi-speaking people and the other of the Gujarathi-speaking people and the Marathi-speaking people who would be the dominant class will reduce the Gujarathi-speaking people to a subject condition. It is in support of this he thought of citing Lord Acton. Such a possibility is always there. There is no objection to the way in which he has presented the problem. But there are great objections to the conclusions he draws.

53. In the first place, in a country like India in which society is throughout communally organized it is obvious that in whatever way it is divided into areas for administrative purposes, in every area there will always be one community which by its numbers happens to be a dominant community. As a dominant community it becomes a sole heir to all political power, which the area gets. If Marathi-speaking people in a unified Maharashtra with Bombay thrown into it will become dominant over the Gujarathi-speaking people, will this prospect be confined to Maharashtra only ? Will such a phenomena not occur within the Marathi-speaking people ? Will it not be found in Gujarat if Gujarat became a separate Province ? I am quite certain that within the Marathi-speaking people who are sharply divided between the Marathas and the non-Marathas, the Marathas being a dominant class will reduce both Gujarathi-speaking and the non-Marathas to a subject condition. In the same way in Gujarat in some parts the Anavil Brahmins from a dominant class. In other parts it is the Patidars who form a dominant class. It is quite likely that the Anavils and the Patidars will reduce the condition of the other communities to

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subjection. The problem therefore is not a problem peculiar to Maharashtra. It is a general problem.

54. What is the remedy for this problem ? Prof. Gheewala believes that the remedy lies in having a mixed State. So far as this remedy is concerned it is not his own. He has adopted it from Lord Acton. But I have no doubt that so far as Lord Acton advocates this remedy he is quite wrong. Lord Acton cites the case of Austria in support of his view. Unfortunately, Lord Acton did not live to see the fate of Austria. It was a mixed State. But far from providing for the safety of nationalities the clash of nationalities blew up Austria to bits. The real remedy is not a mixed State but an absolute State with no power to the people which is generally captured by a communal majority and exercised in the name of the people. Is Prof. Gheewala prepared for this remedy ? One need have no doubt to what his answer would be.

55. In the second place, Prof. Gheewala has confounded nationality in the social sense of the term with Nationality in its legal and political sense. People often speak of nationality in speaking about Linguistic Provinces. Such use of the term can be only in the non-legal and non-political sense of the term. In my scheme there is no room even for the growth of separate provincial nationality. My proposal nips it in the bud. But even if the commonly suggested pattern of Linguistic Provinces with the language of the Province as the official language were adopted, Provinces cannot have that attribute of sovereignty which independent nations have.

56. It is very difficult to understand what exactly what Prof. Gheewala wants. Broadly he wants two things : He wants a mixed State and he also wants that a dominant section should not be in a position to reduce the smaller sections to subjection. I cannot see how Linguistic Provinces can come in the way of achieving it. For even after Provinces have been re-constituted on linguistic basis,—

(1) Provinces will continue to be a conglomeration of communities which will give Prof. Gheewala the mixed State that he wants ;

(2) If Prof. Gheewala wants a more pronounced form of a mixed State to protect smaller communities or nationalities, he will certainly have it at the Centre.

As I have said, I do not think a mixed State is either a good State or stable State. But if Prof. Gheewala prefers it, he will have it in one form or another, both in the Provinces as well as at the Centre, in the former in the form of different communities and in the latter in the form of the representatives of different Provinces.

57. With regard to his second objective, there will be double protection. In the first place, the citizen will have such protection as a mixed State he thinks can give. Secondly, citizenship will be common throughout India.

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There is no provincial citizenship. A Gujarathi in Maharashtra will have the same rights of citizenship in Maharashtra as Maharashtrian will have.

Given these facts, I fail to understand what objection Prof. Gheewala can have to Linguistic Provinces ?

58. Prof. Gheewala has made two other recommendations. He says, (1) if Provinces have to be reconstituted, constitute them on rational basis rather than on linguistic basis and (2) make nationality a personal thing.

59. To reconstitute Provinces on economic basis—which is what is meant by rational basis—appears more scientific than reconstituting them on linguistic basis. However, unscientific linguistic reorganization of Provinces I cannot see how they can come in the way of rational utilization of economic resources of India. Provincial boundaries are only administrative boundaries. They do not raise economic barriers for the proper utilization of economic resources. If the position was that the resources contained within a Linguistic Province must only be explained by the people of the Province and no other than it could no doubt be said that the scheme of Linguistic Provinces was mischievous. But such is not the case. So long as Linguistic Provinces are not allowed to put a ban on the exploitation of the resources of the people by any body capably of wishing to exploit them a Linguistic Province will yield all the advantages of a rationally planned Province.

60. The proposal of making nationality as a personal thing and put it on the same footing as religion may be dismissed as being to Utopian. It would raise many administrative problems. It will come when the world is one and all nationals are its citizens. Nationality will automatically vanish as being quite useless.

61. So far I have dealt with the arguments advanced by those who are opposed to the inclusion of Bombay in Maharashtra. I have taken pains to do so not because I felt that they were very weighty. I did so because I felt it desirable to prevent the common man from being misled. The possibility of this happening was there and for two reasons. In the first place, those who have come forward with these arguments are not ordinary men. They are University Professors. Secondly, these Professors came out with their arguments after Prof. Gadgil had put forth the case for the inclusion of Bombay in Maharashtra. Unfortunately, no attempt has so far been made to refute the arguments of the adversaries of Prof. Gadgil. The result has been the creation of an impression that Prof. Gadgil's adversaries have carried the day. It was absolutely essential to remove this impression.

The other side

62. There are however arguments which the adversaries of Prof. Gadgil have not thought of hut which may be advanced with justice as well as force,

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in favour of the claim of Maharashtrians for the inclusion of Bombay in Maharashtra. It is quite possible that these arguments may suggest themselves to the Commission. But I don't like to leave it to chance. I therefore propose to set them out below even though the Commission might think that it was unnecessary.

Calcutta and Bombay

63. In deciding upon the issue of exclusion of Bombay from Maharashtra the Commission will have to take into account the position of Calcutta. Like Bombay it is the chief emporium of the whole of eastern part of India. Like the Maharashtrians in Bombay the Bengalis in Calcutta are in a minority. Like the Maharashtrians in Bombay, the Bengalis do not own the trade and industry of Calcutta. The position of the Bengalis *vis-a-vis* Calcutta is worse than the position of the Maharashtrians *vis-a-vis* Bombay. For, the Maharashtrians can at least claim that they have supplied labour if not capital for the trade and industry of Bombay. The Bengalis cannot even say this. If the Commission can accept the arguments urged for the separation of Bombay from Maharashtra, it must be equally prepared to recommend the separation of Calcutta from West Bengal. For it is a very pertinent question to ask that if for the reasons given Bombay can be separated from Maharashtra why when the same reasons exist Calcutta be not separated from West Bengal.

Is Bombay Viable

64. Before Bombay can be separated it must be proved that financially Bombay is a viable Province. As I have already said if proper accounting of revenue and expenditure was made Bombay on the basis of present level of taxation may not be a self-sufficient Province. If that be so, the proposal for creating Bombay a separate Province must fall to the ground. It is no use comparing Bombay with Provinces like Orissa and Assam. The standard of administration, the standard of living and consequently the level of wages in Bombay are all so high that I doubt that even with a crashing rate of taxation Bombay will be able to raise the necessary amount of revenue to meet the expenditure.

The aim behind Greater Bombay

65. This doubt regarding viability of Bombay Province is heightened by the indecent haste shown by the Government of Bombay in creating Greater Bombay by including within the limits of Bombay the adjoining parts of Maharashtra. It seems that the object of including such area cannot but be to make Bombay viable. What else can it be? So long as Bombay remained part of Maharashtra it did not matter to Maharashtrians in which administrative area a portion of Maharashtra was included. But when Bombay is to be a separate Province it will take a long time to make

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Maharashtrians part with their territory to make Bombay greater and viable. What is more important is the scheme of greater Bombay casts responsibility upon the Linguistic Provinces Commission to decide whether they could, with justice force Maharashtrians not only to submit to the demand of the Gujarathis to give up Bombay but also to submit to their further demand to hand over a part of territory of Maharashtra to make Bombay a viable Province. The Commission cannot escape this responsibility.

66. Maharashtra and Bombay are not merely inter-dependent, they are really one and integral. Severance between the two would be fatal to both. The sources of water and electricity for Bombay lie in Maharashtra. The intelligentsia of Maharashtra lives in Bombay. To sever Bombay from Maharashtra would be to make the economic life of Bombay precarious and to dissociate the masses of Maharashtra from its intelligentsia without whose lead the masses of Maharashtra will be nowhere.

Arbitration as a Solution

67. I have seen a suggestion made in some quarters that problem of Bombay should be settled by arbitration. I have never heard of a more absurd suggestion than this. It is as absurd as the suggestion to refer matrimonial cause to arbitration. The matrimonial tie is too personal, to be severed by a third party. Bombay and Maharashtra are tied together by God to use a Biblical phrase. No arbitrator can put them as under. The only agency which is authorized to do so is the Commission. Let it decide.

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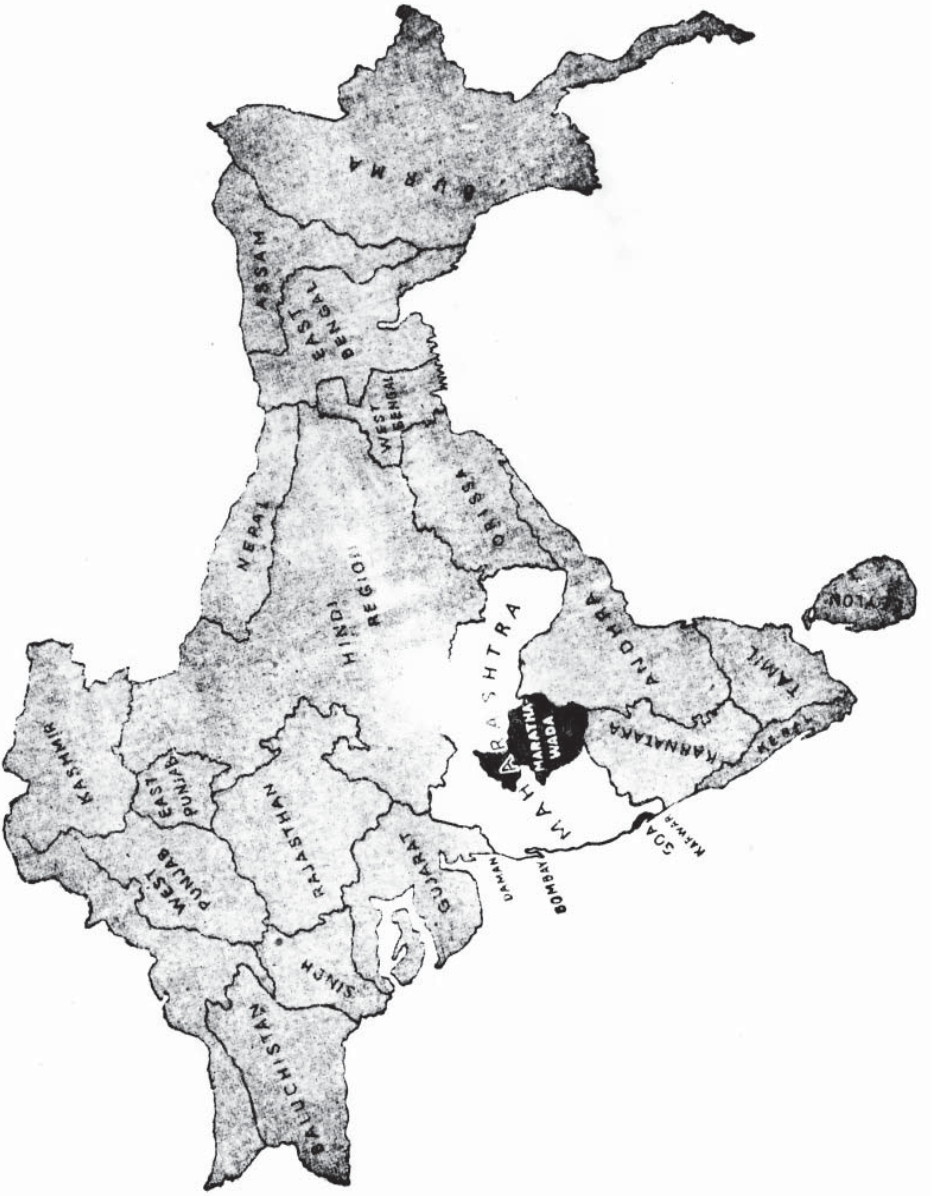

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NEED FOR CHECKS AND BALANCES

Article on Linguistic States

From : The Times of India, dated 23rd April 1953

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NEED FOR CHECKS AND BALANCES

The British who ruled India for more than 150 years never thought of creating linguistic States although the problem was always there. They were more interested in creating a stable administration and maintaining law and order throughout the country than in catering to the cultural craving of people in multi-lingual areas. It is quite true that towards the end of their career they did realise that the administrative set-up which they had built required some adjustment from the point of view of linguistic considerations, at any rate in cases where the conglomeration was very glaring. For instance, they did create Bengal, Bihar and Orissa as linguistic States before they left. It is difficult to say whether if they had continued to rule, they would have followed the path of forming linguistic States to its logical conclusion.

But long before the British thought of creating linguistic provinces the Congress under the aegis of Mr. Gandhi had already in the year 1920 framed a constitution for itself on the basis of linguistic provinces. Whether the ideology underlying the constitution of the Congress as framed in 1920 was a well thoughtout ideology or whether it was a sop to draw people inside the Congress fold, one need not now stop to speculate. There is, however, no doubt about it that the British did realise that linguistic considerations were important and they did give effect to them to a limited extent.

Opposition

Upto the year 1945, the Congress was, of course, not called upon to face the responsibility which it had created for itself by its constitution of 1920. It was only in the year 1945 when it assumed office that this responsibility dawned upon the Congress. Looking into the recent history of the subject the necessary momentum to the issue was given by a member of Parliament by moving a resolution for the creation of linguistic provinces in India.

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The duty of answering on behalf of the Government to the debate fell on me. Naturally I took the matter to the higher authorities in order to ascertain what exactly their point of view was. Strange as it may appear, it became clear to me that the High Command was totally opposed to the creation of linguistic provinces. In these circumstances, the solution that was found was that the responsibility to answer the debate had better be taken over by the Prime Minister. The Prime Minister in reply to the debate made statement promising the creation of an Andhra State immediately. On the basis of the statement made by the Prime Minister, the resolution was withdrawn. The matter rested there.

Second Time

As Chairman of the Drafting Committee, I had to deal with the matter a second time. When the draft Constitution was completed, I wrote a letter to the Prime Minister asking him whether I could include Andhra as a separate State in Part A States of the Constitution in view of what he had said in the course of the debate on the Resolution. I have nothing with me here to refresh my memory as to what exactly happened. But the President of the Constituent Assembly, Dr. Rajendra Prasad, appointed a Committee to investigate into the formation of linguistic States, under the Chairmanship of Mr. Dhar, a lawyer from U.P.

People will remember the Dhar Committee for one thing if not for any other. The Committee said that under no circumstances should Bombay City be included in Maharashtra if Maharashtra was made a linguistic State. That report was then considered by the Jaipur session of the Congress. The Jaipur Congress appointed a Three-Man Committee consisting of the Prime Minister, Mr. Vallabhbhai Patel and Dr. Pattabhi Sitaramayya. They produced a report, the gist of which was that an Andhra province should be created immediately but the city of Madras should remain with the Tamils. A committee was appointed to go into the details. It produced a more or less unanimous report. But the report was opposed by substantial elements among the Andhras including Mr. Prakasam who were not prepared to relinquish their claim to Madras, and the thing lay dormant there.

After that comes the incident of Shri Potti Sriramulu who had to sacrifice his life for the sake of an Andhra province. It is a sad commentary on the ruling party that Mr. Sriramulu should have had to die for a cause the validity of which was accepted by all Congressmen. The creation of a new Andhra province now being thought of is only a pindadan to the departed soul of Mr. Sriramulu by the Prime Minister. Whether such action on the part of the Government would have been tolerated in any other country is a matter on which there is no use speculating.

There are, in my opinion, three conditions which must be satisfied before a linguistic State is brought into being. The first condition is that it must be a viable State. This rule was accepted as absolute when the question of

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the merger of the Indian States was under consideration during the making of the Constitution. Only those Indian States which were viable were allowed to remain as independent States. All others were merged into the neighbouring States.

A Sahara ?

Is the proposed Andhra State a viable State ? Mr. Justice Wanchoo had very candidly admitted that the annual revenue deficit of the proposed Andhra State will be of the magnitude of Rs. 5 crores. It is possible for the proposed Andhra State to reduce this gap either by increase of taxation or decrease in expenditure ? The Andhras must face this question. Is the Centre going to take the responsibility of meeting this deficit ? If so, will this responsibility be confined to the proposed Andhra State or will it be extended to all similar cases ? These are questions which are to be considered.

The new Andhra State has no fixed capital. I might incidently say that I have never heard of the creation of a State without a capital. Mr. Rajagopalachari (the staunchest Tamilian tribesman) will not show the Government of the proposed Andhra State the courtesy of allowing it to stay in Madras city even for one night—courtesy which is prescribed by the Hindu Dharma on all Hindus for an *atithi*. The new Government is left to choose its own habitat and construct thereon its own hutments to transact its business. What place can it choose ? With what can it construct its hutments ? Andhra is Sahara and there are no oases in it. If it chooses some place in this Sahara it is bound to shift its quarters to a more salubrious place, and the money spent on this temporary headquarters would be all a waste. Has the Government considered this aspect of the case ? Why not right now give them a place which has the possibility of becoming their permanent capital.

It seems to me that Warangal is best suited from this point of view. It is the ancient capital of the Andhras. It is a railway junction. It has got quite a large number of buildings. It is true that it lies within that part of Andhra which is part of Hyderabad State. As a matter of principle Hyderabad State which is a monstrocity should have been broken up and a complete Andhra State might have been created. But if the Prime Minister has some conscientious objection to the proposal, can he not create an enclave in the Andhra part of Hyderabad and join it to the new Andhra State and make a way to Warangal ? An enclave is not a new thing in India. But the Prime Minister wants to work against the will of God in Hyderabad as well as in Kashmir. I am sure he will very soon learn the consequences of it.

First Condition

This is just incidental. My main point is that a linguistic State must be viable. This is the first consideration in the creation of a linguistic State. The second consideration is to note what is likely to happen within

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a linguistic State. Unfortunately no student has devoted himself to a demographic survey of the population of India. We only know from our census reports how many are Hindus, how many are Muslims, how many Jews, how many Christians and how many untouchables. Except for the knowledge we get as to how many religions there are this information is of no value. What we want to know is the distribution of castes in different linguistic areas. On this we have very little information. One has to depend on one's own knowledge and information. I don't think it would be contradicted if it is said that the caste set-up within the linguistic area is generally such that it contains one or two major castes large in number and a few minor castes living in subordinate dependence on the major castes.

Communal Set-up

Let me give a few illustrations. Take the Punjab of PEPSU. The Jats dominate the whole area. The untouchables live in subordinate dependence on them. Take Andhra—there are two or three major communities spread over the linguistic area. They are either the Reddis or the Kammas and the Kappus. They hold all the land, all the offices, all the business. The untouchables live in subordinate dependence on them. Take Maharashtra. The Marathas are a huge majority in every village in Maharashtra. The Brahmins, the Gujars, the Kolis and the untouchables live in subordinate co-operation. There was a time when the Brahmins and the banias lived without fear. But times have changed. After the murder of Mr. Gandhi, the Brahmins and the banias got such a hiding from the Marathas that they have run away to the towns as safety centres. Only the wretched untouchables, the Kolis and the Malis have remained in the villages to bear the tyranny of the Maratha communal majority. Anyone who forgets this communal set-up will do so at his peril.

In a linguistic State what would remain for the smaller communities to look to ? Can they hope to be elected to the Legislature ? Can they hope to maintain a place in the State service ? Can they expect any attention to their economic betterment ? In these circumstances, the creation of a linguistic State means the handing over of Swaraj to a communal majority. What an end to Mr. Gandhi's Swaraj ! Those who cannot understand this aspect of the problem would understand it better if instead of speaking in terms of linguistic State we spoke of a Jat State, a Reddy State or a Maratha State.

Third Issue

The third problem which calls for consideration is whether the creation of linguistic States should take the form of consolidation of the people speaking one language into one State. Should all Maharashtrians be collected together into one Maharashtra State ? Should all Andhra area be put into one Andhra State ? This question of consolidation does not merely relate to new units. It relates also to the existing linguistic provinces such as

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U.P., Bihar and West Bengal. Why should all Hindi-speaking people be consolidated into one State as has happened in U.P. ? Those who ask for consolidation must be asked whether they want to go to war against other States. If consolidation creates a separate consciousness we will have in course of time an India very much like what it was after the break-up of Maurya Empire. Is destiny moving us towards it ?

This does not mean that there is no case for linguistic provinces. What it means is that there must be definite checks and balances to see that a communal majority does not abuse its power under the garb of a linguistic State.

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THOUGHTS ON LINGUISTIC STATES

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THOUGHTS ON LINGUISTIC STATES

PREFACE

The creation of Linguistic States is a burning question of the day. I regret that owing to my illness I was not able to take part in the debate that took place in Parliament much less in the campaign that is carried on in the country by partisans in favour of their views. The question is too important for me to sleep over in silence. Many have accused me for remaining quiet not knowing what the cause was.

I have therefore taken the other alternative i.e. to set out my views in writing.

Readers may find certain inconsistencies in my views as expressed in this brochure and as expressed formerly in certain public statements. Such changes in my view are, I am sure, very few. The former statements were made on the basis of fragmentary data. The whole picture was then not present to the mind. For the first time it met my eye when the report of the S.R.C. came out. This is sufficient justification for any change in my views which a critic may find.

To a critic who is a hostile and malicious person and who wants to make capital out of my inconsistencies my reply is straight. Emerson has said that consistency is the virtue of an ass and I don't wish to make an ass of myself. No thinking human being can be tied down to a view once expressed in the name of consistency. More important than consistency is responsibility. A responsible person must learn to unlearn what he has learned. A responsible person must have the courage to rethink and change his thoughts. Of course there must be good and sufficient reasons for unlearning what he has learned and for recasting his thoughts. There can be no finality in thinking.

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The formation of Linguistic States, although essential, cannot be decided by any sort of hooliganism. Nor must it be solved in a manner that will serve party interest. It must be solved by cold blooded reasoning. This is what I have done and this is what I appeal to my readers to do.

23rd December 1955
Milind Mahavidyalaya
Nagsen Vana, College Road
Aurangabad (Dn.)

B. R. AMBEDKAR

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PART I

THE WORK OF THE COMMISSION

CHAPTER 1

LINGUISM AND NOTHING ELSE

The present Constitution of India recognizes the following States which are enumerated in the Schedule :

Part 'A' States	Part 'B' States	Part 'C' States
1. Andhra	1. Hyderabad	1. Ajmer
2. Assam	2. Jammu and Kashmir	2. Bhopal
3. Bihar	3. Madhya Bharat	3. Coorg
4. Bombay	4. Mysore	4. Delhi
5. Madhya Pradesh	5. Patiala	5. Himachal Pradesh
6. Madras	6. Rajasthan	6. Kutch
7. Orissa	7. Saurashtra	7. Manipur
8. Punjab	8. Travancore-Cochin	8. Tripura
9. Uttar Pradesh		9. Vindhya Pradesh

Article 3 of the Constitution gives power to Parliament to create new States. This was done because there was no time to reorganize the States on linguistic basis for which there was a great demand.

In pursuance of this incessant demand the Prime Minister appointed the States Reorganization Commission to examine the question. In its report the States Reorganization Commission has recommended the creation of the following States :

Proposed New States

Name of the State	Area (in sq. miles)	Population (in crores)	Language
1. Madras	50,170	3.00	Tamil
2. Kerala	14,980	1.36	Malyalam
3. Karnatak	72,730	1.90	Kanarese
4. Hyderabad	45,300	1.13	Telugu
5. Andhra	64,950	2.09	Telugu
6. Bombay	151,360	4.02	Mixed
7. Vidarbha	36,880	0.76	Marathi

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Proposed New States—contd.

	Name of the State	Area (in sq. miles)	Population (in crores)	Language
8.	Madhya Pradesh	171,200	2.61	Hindi
9.	Rajasthan	132,300	1.60	Rajasthani
10.	Punjab	58,140	1.72	Punjabi
11.	Uttar Pradesh	113,410	6.32	Hindi
12.	Bihar	66,520	3.82	Hindi
13.	West Bengal	34,590	2.65	Bengali
14.	Assam	89,040	0.97	Assamese
15.	Orissa	60,140	1.46	Oria
16.	Jammu and Kashmir	92,780	0.14	Kashmiri

The important thing is to compare the size of the States—

Taking population as the measuring red the result may be presented as follows :

There are 8 States with a population between 1 and 2 crores each.

There are 4 States with a population between 2 and 4 crores.

There is one State above 4 crores.

There is one State above 6 crores.

The result, to say the least, is fantastic. The Commission evidently thinks that the size of a State is a matter of no consequence and that the equality in the size of the States constituting a Federation is a matter of no moment.

This is the first and the most terrible error which the Commission has committed. If not rectified in time, it will cost India a great deal.

CHAPTER 2

LINGUISM IN EXCELSIS

In the first chapter it has been pointed out that one result of the recommendations of the States Reorganization Commission is the disparity in the size of the different States the Commission has suggested for creation.

But there is another fault in the recommendations of the Commission which perhaps is hidden but which is nonetheless real.

It lies in not considering the North in relation to the South. This will be clear from the following table :

Southern States		Central States		Northern States*	
Name ..	Population (in crores)	Name	Population (in crores)	Name ..	Population (in crores)
Madras ..	3.00	Maharashtra	3.31	Uttar Pradesh ..	6.32
Kerala ..	1.36	Gujarat	1.13	Bihar ..	3.85
Karnataka ..	1.90	Saurashtra	0.4	Madhya Pradesh ..	2.61
Andhra ..	1.09	Kutch	0.5	Rajasthan ..	1.60
Hyderabad ..	1.13			Punjab ..	1.72

* I have included certain centrally situated States because by language they are affiliated to one another.

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This scheme of dividing India in the name of Linguistic States cannot be overlooked. It is not so innocuous as the Commission thinks. It is full of poison. The poison must be emptied right now.

The nature of Union of India expresses only an idea. It does not indicate an achievement. Bryce in his "*American Commonwealth"* relates the following incident which is very instructive. This is what he says :

> "A few years ago the American Protestant Episcopal Church was occupied at its annual conference in revising liturgy. It was thought desirable to introduce among the short sentence prayers a prayer for the whole people ; and an eminent New England Divine proposed the words 'O Lord, bless our Nation'. Accepted one afternoon on the spur of the moment, the sentence was brought up next day for reconsideration, when so many objections were raised by the laity to the word, 'Nation', as importing too definite recognition of national unity, that it was dropped, and instead there were adopted the words, 'O Lord, bless these United States.' "

India is not even mentally and morally fit to call itself the United States of India. We have to go a long way to become the United States of India. The Union of India is far, far away, from the United States of India. But this consolidation of the North and balkanisation of the South is not the way to reach it.

PART II

THE LIMITATIONS OF LINGUISM

CHAPTER 3

THE PROS AND CONS OF A LINGUISTIC STATE

"One State, one language" is a universal feature of almost every State. Examine the constitution of Germany, examine the constitution of France, examine the constitution of Italy, examine the constitution of England, and examine the constitution of the U.S.A. "One State, one language" is the rule.

Wherever there has been a departure from this rule there has been a danger to the State. The illustration of the mixed States are to be found in the old Austrian Empire and the old Turkish Empire. They were blown up because they were multi-lingual States with all that a multi-lingual State means. India cannot escape this fate if it continues to be a congery of mixed States.

The reasons why a unilingual State is stable and a multi-lingual State unstable are quite obvious. A State is built on fellow-feeling. What is this fellow-feeling ? To state briefly it is a feeling of a corporate sentiment of oneness which makes those who are charged with it feel that they are kith and kin. This feeling is a double-edged feeling. It is at once a feeling of

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fellowship for one's own kith and kin and anti-fellowship for those who are not one's own kith and kin. It is a feeling of "consciousness of kind " which on the one hand, binds together those who have it so strongly that it over-rides all differences arising out of economic conflicts or social gradations and, on the other, severs them from those who are not of their kind. It is a longing not to belong to any other group.

The existence of this fellow-feeling is the foundation of a stable and democratic State.

This is one reason why a linguistic State is so essential. But there are other reasons why a State should be unilingual. There are two other reasons why the rule "one State, one language " is necessary.

One reason is that democracy cannot work without friction unless there is fellow-feeling among those who constitute the State. Faction fights for leadership and discrimination in administration are factors ever present in a mixed State and are incompatible with democracy.

The present State of Bombay is the best illustration of the failure of democracy in a mixed State. I am amazed at the suggestion made by the States Reorganization Commission that the present Bombay State should be continued as it is to enable us to gain experience of how a mixed State flourishes. With Bombay as a mixed State for the last 20 years, with the intense enmity between the Maharashtrians and Gujaratis, only a thoughtless or an absent-minded person could put forth such a senseless proposal. The former State of Madras is another illustration of the failure of democracy in a mixed State. The formation of a mixed State of United India and the compulsory division of India into India and Pakistan are other illustrations of the impossibility of having democracy in a mixed State.

Another reason why it is necessary to adopt the rule of "one State, one language" is that it is the only solvent to racial and cultural conflicts.

Why do Tamils hate Andhras and Andhras hate Tamils ? Why do Andhras in Hyderabad hate Maharashtrians and Maharashtrians hate Andhras ? Why do Gujaratis hate Maharashtrians and Maharashtrians hate Gujaratis ? The answer is very simple. It is not because there is any natural antipathy between the two. The hatred is due to the fact that they are put in juxtaposition and forced to take part in a common cycle of participation, such as Government. There is no other answer.

So long as this enforced juxtaposition remains, there will be no peace between the two.

There will be people who would cite the cases of Canada, Switzerland and South Africa. It is true that these cases of bilingual States exist. But it must not be forgotten that the genius of India is quite different from the genius of Canada, Switzerland and South Africa. The genius of India is to divide—the genius of Switzerland, South Africa and Canada is to unite.

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The fact that they have been held together uptil now is not in the natural course of things. It is due to the fact that both of them are bound by the Congress discipline. But how long is the Congress going to last ? The Congress is Pandit Nehru and Pandit Nehru is Congress. But is Pandit Nehru immortal ? Any one who applies his mind to these questions will realize that the Congress will not last till the sun and the moon. It must one day come to an end. It might come to an end even before the next election. When this happens the State of Bombay will find itself engaged in civil war and not in carrying on administration.

We therefore want linguistic States for two reasons. To make easy the way to democracy and to remove racial and cultural tension.

In seeking to create linguistic States India is treading the right road. It is the road which all States have followed. In the case of other linguistic States they have been so, from the very beginning. In the case of India she has to put herself in the reverse gear to reach the goal. But the road she proposes to travel is well-tried road. It is a road which is followed by other States.

Having stated the advantages of a linguistic State I must also set out the dangers of a linguistic State.

A linguistic State with its regional language as its official language may easily develop into an independent nationality. The road between an independent nationality and an independent State is very narrow. If this happens, India will cease to be Modern India we have and will become the medieval India consisting of a variety of States indulging in rivalry and warfare.

This danger is of course inherent in the creation of linguistic States. There is equal danger in not having linguistic States. The former danger a wise and firm statesman can avert. But the dangers of a mixed State are greater and beyond the control of a statesman however eminent.

How can this danger be met ? The only way I can think of meeting the danger is to provide in the Constitution that the regional language shall not be the official language of the State. The official language of the State shall be Hindi and until India becomes fit for this purpose English. Will Indians accept this ? If they do not, linguistic States may easily become a peril.

One language can unite people. Two languages are sure to divide people. This is an inexorable law. Culture is conserved by language. Since Indians wish to unite and develop a common culture it is the bounden duty of all Indians to own up Hindi as their language.

Any Indian who does not accept this proposal as part and parcel of a linguistic State has no right to be an Indian. He may be a hundred per cent Maharashtrian, a hundred per cent Tamil or a hundred per cent Gujarathi,

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but he cannot be an Indian in the real sense of the word except in a geographical sense. If my suggestion is not accepted India will then cease to be India. It will be a collection of different nationalities engaged in rivalries and wars against one another.

God seems to have laid a heavy curse on India and Indians, saying 'Ye Indians shall always remain divided and ye shall always be slaves !'

I was glad that India was separated from Pakistan. I was the philosopher, so to say, of Pakistan. I advocated partition because I felt that it was only by partition that Hindus would not only be independent but free. If India and Pakistan had remained united in one State Hindus though independent would have been at the mercy of the Muslims. A merely independent India would not have been a free India from the point of view of the Hindus. It would have been a Government of one country by two nations and of these two the Muslims without question would have been the ruling race notwithstanding Hindu Mahasabha and Jana Sangh. When the partition took place I felt that God was willing to lift his curse and let India be one, great and prosperous. But I fear that the curse may fall again. For I find that those who are advocating linguistic States have at heart the ideal of making the regional language their official language.

This will be a death knell to the idea of a United India. With regional languages as official languages the ideal to make India one United country and to make Indians, Indians first and Indians last, will vanish. I can do no more than to suggest a way out. It is for Indians to consider it.

CHAPTER 4

MUST THERE BE ONE STATE FOR ONE LANGUAGE ?

What does a linguistic State mean ?

It can mean one of two things. It can mean that all people speaking one language must be brought under the jurisdiction of one State. It can also mean that people speaking one language may be grouped under many States provided each State has under its jurisdiction people who are speaking one language. Which is the correct interpretation ?

The Commission took the view that the creation of one single State for all people speaking one and the same language was the only rule to be observed.

Let the reader have a look at map No. 1. He will at once note the disparity between the Northern and Southern States. This disparity is tremendous. It will be impossible for the small States to bear the weight of the big States.

How dangerous this disparity is, the Commission has not realized. Such disparity no doubt exists in the United States. But the mischief it might

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cause has been prevented by the provisions in the Constitution of the United States.

One such safeguard in the Constitution of the United States has been referred to by Mr. Pannikar in his dissenting minute to the Report (*See* Table No. 2).

I give below the following extract from his minute :

> "I consider it essential for the successful working of a federation that the units should be fairly evenly balanced. Too great a disparity is likely to create not only suspicion and resentment but generate forces likely to undermine the federal structure itself and thereby be a danger to the unity of the country. This is clearly recognised everywhere. In most federal constitutions, though wide variation exists in respect of the population and resources of the unit, care is taken to limit the influence and authority of the larger States. Thus in the United States of America, for example, though the States are of varying population and resources and the State of New York has many times the population, say of Nevada, the constitution provides for equal representation of every State in the Senate."

On this point Mr. Pannikar also refers to the Soviet Union and old Germany. This is what he says:

> "In the Soviet Union also, in which great Russia has a larger population than most other units of the Federation taken together, representation in the House of Nationalities is weighed against her so that the other units of the Federation may not be dominated by the larger unit. In the Bismarckian Reich again, though Prussia had a dominant position from the point of view of population, she was given less representation in the *Reichsrat* or the house representing the states than she was entitled to (less than one-third) and the permanent presidency of that body was vested in Bavaria, clearly demonstrating that even here—where there was concentration of political, military and economic power in one State—it was considered necessary, in the interest of the union, to give weightage to the smaller units and also to reduce Prussia to the position of minority in the *Reichsrat,* States Council, which enjoyed greater powers than the *Reichstag* or the House of the People."

Mr. Pannikar has however not mentioned one other safeguard in the Constitution of the United States against the evils of disparity. In our Constitution the two Houses are not co-equal in authority. But the position in the Constitution of the United States is quite different. In the U.S.A. the two Houses are co-equal in authority. Even for money bills the consent of the Senate is necessary. This is not so in India. This makes a great difference to the disparity in the population.

This disparity in the population and power between the States is sure to plague the country. To provide a remedy against it is most essential.

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CHAPTER 5

THE NORTH VERSUS THE SOUTH

What the Commission has created is not a mere disparity between the States by leaving U.P. and Bihar as they are, by adding to them a new and a bigger Madhya Pradesh with Rajasthan it creates a new problem of North *versus* South.

The North is Hindi speaking. The South is non-Hindi speaking. Most people do not know what is the size of the Hindi-speaking population. It is as much as 48 per cent of the total population of India. Fixing one's eye on this fact one cannot fail to say that the Commission's effort will result in the consolidation of the North and the balkanization of the South.

Can the South tolerate the dominance of the North?

It may now not be a breach of a secret if I revealed to the public what happened in the Congress Party meeting when the Draft Constitution of India was being considered, on the issue of adopting Hindi as the national language. There was no article which proved more controversial than Article 115 which deals with the question. No article produced more opposition. No article, more heat. After a prolonged discussion when the question was put, the vote was 78 against 78. The tie could not be resolved. After a long time when the question was put to the Party meeting the result was 77 against 78 for Hindi. Hindi won its place as a national language by one vote. I am stating these facts from my personal knowledge. As Chairman of the Drafting Committee I had naturally entry to the Congress Party enclosure.

These facts reveal how much the South dislikes the North. This dislike may grow into hatred if the North remains consolidated and the South becomes disintegrated and if the North continues to exercise a disproportionate influence on the politics of India (*See* Map 1).

To allow one State to have such preponderating influence in the Centre is a dangerous thing.

Mr. Pannikar has referred to this aspect of the case. In his dissenting minute he says :

> "The consequence of the present imbalance, caused by the denial of the federal principal of equality of units, has been to create feelings of distrust and resentment in all the States outside Uttar Pradesh. Not only in the Southern States but also in the Punjab, Bengal and elsewhere the view was generally expressed before the Commission that the present structure of government led to the dominance of Uttar Pradesh in all-India matters. The existence of this feeling will hardly be denied by anyone. That it will be a danger to our unity, if such feelings are allowed to exist and remedies are not sought and found now, will also not be denied."

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There is a vast difference between the North and the South. The North is conservative. The South is progressive. The North is superstitious, the South is rational. The South is educationally forward, the North is educationally backward. The culture of the South is modern. The culture of the North is ancient.

Did not Prime Minister Nehru on the 15th of August 1947 sit at the Yajna performed by the Brahmins of Benares to celebrate the event of a Brahmin becoming the first Prime Minister of free and independent India and wear the Raja Danda given to him by these Brahmins and drink the water of the Ganges brought by them ?

How many women have been forced to go Sati in recent days and immolate themselves on the funeral pyre of their dead husbands. Did not the President recently go to Benares and worship the Brahmins, washed their toes and drank the water ?

The North still has its Satis, its Nanga Sadhus. What havoc the Nanga Sadhus made at the last Hardwar Fair ! Did anyone in U.P. protest against it ?

How can the rule of the North be tolerated by the South ? Already there signs of the South wanting to break away from the North.

Mr. Rajagopalachari has made a statement on the recommendations of the States Reorganization Commission which has appeared in the *Times of India* of the 27th November, 1955. This is what he says :

> "If it is impossible to put the States Reorganization Schemes in cold storage for the next 15 years, the only alternative is for the Centre to govern India as a unitary state and deal with district officers and district boards directly, with regional commissioners' supervision.
>
> "It would be utterly wrong to fritter away national energy in dispute over boundaries and divisions conceived in the drawing room and not on the background of conditions that have resulted historically.
>
> "Apart from the general convictions of mine, I feel that a large southern State is absolutely essential for preserving the political significance of that part of the country. To cut the South up into Tamil, Malayalam and other small States will result only in complete insignificance of everybody and, in the net result, India as a whole will be the poorer."

Mr. Rajagopalachari has not expressed himself fully. He did do so fully and openly to me when he was the Head of the State and I was the Law Minister in charge of drafting the constitution. I went to Mr. Rajagopalachari for my usual interview which was the practice of the day. At one such interview Mr. Rajagopalachari, referring to the sort of constitution which the Constituent Assembly was making, said to me, "You are committing a great mistake. One federation for the whole of India with equal

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representation for all areas will not work. In such a federation the Prime Minister and President of India will always be from the Hindi speaking area. You should have two Federations, one Federation of the North and one Federation of the South and a Confederation of the North and the South with three subjects for the Confederation to legislate upon and equal representation for both the federations."

These are the real thoughts of Mr. Rajagopalachari. They came to me as a revelation coming as they did from the innermost heart of a Congressman. I now regard Mr. Rajagopalachari as a prophet predicting the break-up of India into the North and the South. We must do everything to falsify Mr. Rajagopalachari's prophecy.

It must not be forgotten that there was a civil war in the U.S.A. between the North and the South. There may also be a civil war between the North and the South in India. Time will supply many grounds for such a conflict. It must not be forgotten that there is a vast cultural difference between the North and the South and cultural differences are very combustible.

In creating this consolidation of the North and balkanization of the South the Commission did not realize that they were dealing with a political and not a merely linguistic problem.

It would be most unstatesmanlike not to take steps right now to prevent such a thing happening. What is the remedy ?

PART III

SOLUTION

CHAPTER 6

THE DIVISION OF THE NORTH

The problem having been realized we must now search for a solution.

The solution lies obviously in adopting some standard for determining the size of a State. It is not easy to fix such a standard. If two crores of population be adopted as a standard measure most of the Southern States will become mixed States. The enlargement of the Southern States to meet the menace of the Northern States is therefore impossible. The only remedy is to break up the Nothern States of U.P., Bihar and Madhya Pradesh.

How did this solution not strike the Congress Working Committee I am unable to understand. It is so obvious.

Division of the Northern States

As I have said the Commission in designing linguistic States has created a consolidation of the North and balkanization of the South. The Commission has not I am sure done this intentionally. But intentionally or unintentionally the fact is there. Its evil consequences are also clear.

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It is therefore necessary that this situation must be rectified. The only way to do this is to divide the three States of (1) Uttar Pradesh, (2) Bihar and (3) Madhya Pradesh into smaller units.

In this behalf I make bold to offer certain tentative proposals.

This division does not conflict with the underlying principles of a linguistic State. For, if these States are divided in the way suggested, each resulting State will be a linguistic State.

I am happy to find Mr. Pant saying in the recent debate in Parliament on the subject that he has no objection to the cutting up of the U.P. What he said for U.P. may well be taken as applicable to Bihar and Madhya Pradesh.

Division of Uttar Pradesh.—My proposal with regard to the Uttar Pradesh is to divide it into three States (*See* Map 2). Each of these three States should have a population of approximately two crores which should be regarded as the standard size of population for a State to administer effectively. Where the boundary lines of these three States should be drawn I have shown in the accompanying Map No. 2.

The three States of the Uttar Pradesh could have as their capitals (1) Meerut (2) Cawnpore and (3) Allahabad. They are situated quite in the centre of each of these three States.

Division of Bihar—My proposal with regard to Bihar is to divide it into two States *(See* Map 3). Each of these two States will have a population of a little over one and half crores. It is not a small population for one Government to administer.

Where the boundary lines should be drawn I have shown in the accompanying Map No. 3.

The two States of Bihar could have as their capitals (1) Patna and (2) Ranchi. They are situated quite in the centre of the two States.

Division of Madhya Pradesh.—Madhya Pradesh stands before us in two forms. The old Madhya Pradesh and the new Madhya Pradesh.

The old Madhya Pradesh consisted of :

(1) the Province at one time known as C. P. and Berar, and

(2) some Indian States out of the States known as the Eastern States.

This old State of Madhya Pradesh had a population of 2½ crores. It consisted of 22 districts. Its legislature had 223 members.

The new Madhya Pradesh as planned by the Commission will consist of:

(1) the 14 districts of the old Madhya Pradesh,

(2) the whole of Bhopal,

(3) the whole of Vindhya Pradesh,

(4) Madhya Bharat except : Sunel enclave of Mandasaur district, and

(5) the Sironj sub-division of Kota district of Rajasthan.

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The total population of this new Madhya Pradesh will be 26.1 million and its area will be about 171.200 square miles.

I suggest that it should be divided into two States : (1) Northern Madhya Pradesh, (2) Southern Madhya Pradesh (*See* Map 4).

The State of New Madhya Pradesh should consist of the following areas :

(1) The whole of Vindhya Pradesh.

(2) The whole State of Bhopal.

The State of Southern Madhya Pradesh should consist of—

(1) the whole State of Indore, and

(2) the 14 districts of Mahakosal.

The population of this Indore State will be about 2 crores and the population of this Vindhya Pradesh will be about 1.30 crores. (*See* Map No. 4).

Why the Commission created this monster State it is no way to know. Even Prime Minister Nehru was surprised at its creation.

All that one can think of is that the Commission has been under the impression that one language, one State is a categorical imperative from which there is no escape. As I have shown one language, one State can never be categorical imperative. In fact one State, one language should be the rule. And therefore people forming one language can divide themselves into many States.

CHAPTER 7

THE PROBLEMS OF MAHARASHTRA

1

THE PROPOSALS TO DEAL WITH MAHARASHTRA

Maharashtra is another area which is a subject of controversy.

There are four proposals in the field :

(1) To retain the Bombay State as it is i.e. to retain it as a mixed State consisting of Maharashtra, Gujarat and Bombay.

(2) To disrupt the existing State and to separate Maharashtra and Gujarat and make them into two separate States.

(3) To make united Maharashtra with Bombay as one State.

(4) To separate Bombay from Maharashtra and make it a separate City State.

I would like to state what my proposals are. They are as follows :

Bombay as a mixed State should be done away with.

I would divide Maharashtra into four States (*See* Map 5) : (1) Maharashtra City State (Bombay), (2) Western Maharashtra, (3) Central Maharashtra and (4) Eastern Maharashtra.

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Maharashtra City State.—The City of Bombay *plus* such area of Maharashtra as would enable it to be a good and strong City State.

Western Maharashtra.—(1) Thana, (2) Kolaba, (3) Ratnagiri, (4) Poona, (5) North Satara, (6) South Satara, (7) Kolhapur and (8) the Marathi-speaking territories given over to Karnataka.

Central Maharashtra—(1) Dang, (2) East Khandesh, (3) West Khandesh, (4) Nasik, (5) Ahmednagar, (6) Aurangabad, (7) Nanded, (8) Parbhani, (9) Beed, (10) Usmanabad, (11) Sholapur City and the Marathi-speaking area of Sholapur District and (12) the Marathi-speaking territories given over to Telangana.

Eastern Maharashtra.—(1) Buldhana, (2) Yeotmal, (3) Akola, (4) Amraoti, (5) Wardha, (6) Chanda, (7) Nagpur, (8) Bhandara and (9) the Marahi-speaking territories given to Hindi States.

I will next proceed to examine the merits of these proposals.

II

MAHARASHTRIANS UNDER THE MIXED STATE

Should Bombay remain a mixed State ? It is a most unusual procedure. The City of Calcutta is not a separate City State. Madras is not a separate City State. Why Bombay alone be made the exception ?

Secondly, it is already a mixed State. What is the experience of the Maharashtrians under this mixed State ? The Maharashtrians have suffered terribly under this mixed State.

What is the position of the Maharashtrians in the Bombay Cabinet ?

Let us consider the distribution of Ministership :

Gujarathi Ministers	...	...	...	4
Marathi Ministers	...	...	...	4
Kannada Ministers	...	...	...	1
		Total	...	9

Gujarathi members in the Assembly are only 106, Marathi members are 149 and yet the number of Gujarathi Ministers is equal to that of Maharashtrian Ministers.

Let us come to Deputy Ministers :

Marathi speaking	...	...	...	5
Gujarathi speaking	...	...	...	2
Kannada speaking	...	...	...	2
		Total	...	9

Only among Deputy Ministers do the Maharashtrians have a majority of one.

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But how the power and subjects are distributed among the Ministers and Deputy Ministers is the most important matter. It shows what power and authority the Maharashtrian Ministers possess in this mixed Cabinet of the Bombay State.

Allocation of Subjects among Ministers

	Gujarathi Ministers				Maharashtrian Ministers			
1.	Morarji Desai	..	105	Subs.	Hirey	..	49	Subs.
2.	Dinkerrao Desai	..	26	Subs.	Nimbalkar	..	20	Subs.
3.	Jivaraj Mehta	..	43	Subs.	Tapase	..	15	Subs.
4.	Shantilal Shah	..	28	Subs.	Chavan	..	4	Subs.
	Total	..	202				88	

The allocation of subjects among Deputy Ministers is also done on the same pattern.

Allocation of Subjects among Deputy Ministers

	Gujarathi Deputy Ministers				Maharashtrian Deputy Ministers			
1.	Indumati Sheth	..	12	Subs.	1. Wandrekar	..	12	Subs.
2.	Babubhai J. Patel		3	Subs.	2. Deshmukh	..	4	Subs.
					3. Naravane	..	5	Subs.
					4. Sathe	..	5	Subs.
					5. Faki	..	3	Subs.
	Total	..	15				29	

Let us now consider how much money is spent on development in Maharashtra and in Gujarath. The following figures will give an idea of the Per Capita Expenditure for the three years on Maharashtra and Gujarath :

Per Capita Expenditure on Development in Rupees

				Years		
			Population	1950-51	1951-52	1952-53
1.	Maharashtra	..	2,17,20,091	1.7	2.3	1.8
2.	Gujarath	..	1,18,96,789	2.9	3.1	3.2

What a differential treatment ? What a discrimination ? What an injustice ? Can anybody blame the Maharashtrians if they felt disgusted with the mixed State of Bombay ?

Such a position of subordination no Maharashtrian can tolerate. The idea of a mixed State must be blown off once for all.

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III

THE POSITION OF THE CITY OF BOMBAY

The Bombay City is an area which is a subject matter of controversy. The controversy has become very acute.

Maharashtrians want the City to be part of Maharashtra, Gujarathis want the City to be a separate State. Heads have been broken over the controversy. But there has been no agreement. It is therefore necessary to go to the root of the matter.

The Gujarathis do not claim Bombay City as their own. But will not let go their hold on it. They claim a sort of easement over it by reason of the fact that they control the trade and industry of the City. The issue is : should it become part of Maharashtra or should it be constituted into a separate State ? The Gujarathis and Maharashtrians are sharply divided on the issue. The Maharashtrians want that Bombay should become exclusively a part of the new Maharashtra State. The Gujarathis are stoutly opposed to it. They have presented two alternatives. One alternative is not to break up the existing bi-lingual State of Bombay into two linguistic units of Gujarath and Maharashtra. The Congress Working Committee's decision is to make the city of Bombay into a separate State.

The Gujarathis are happy. The Maharashtrians are naturally angry.

The resentment of the Maharashtrians is well justified. The arguments urged against the claim of the Maharashtrians have no force at all.

The first argument that is urged is that the Marathi-speaking population of Bombay City does not form a majority of the total population of the City. The total population of Bombay City is very large (*See* Statistical Appendix). Marathi-speaking population is 48 per cent.

Those who use this kind of argument do not seem to realize the weakness of it

The total Marathi population of Bombay City is no doubt less than 50 per cent but it has to be valued against two factors. One is that geographically no one can deny that Bombay is part of Maharashtra even if the Maharashtrians are in a minority in the City. Even Mr. Morarji Desai admitted in the course of his speech in the meeting of the Gujarath Pradesh Congress Committee that Bombay is part of Maharashtra.

The second point to be taken into consideration in valuing the population factor is the continued influx of population from the rest of India who come to Bombay either for making profits or for earning their bread. None of them regard Bombay as their home ; they should not therefore be counted as permanent residents of Bombay City. Many come for a few months and go back.

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Bombay is a home only to the Maharashtrians and none else. It is not therefore logical or fair to count the non-Maharashtrians for the purpose of coming to the conclusion as to who form the majority of population in the Bombay City.

Again it is not realized that the increase in the non-Marathi-speaking people in the Bombay City is due to the absence of a local law restricting citizenship. If Bombay State had such a law all this influx into Bombay from all parts of India could have been shut out and the Maharashtrian majority retained.

It is also not realized that the influx of the non-Maharashtrians in Bombay is due to the fact that Bombay is a port, and it is a port on the Western Coast. The route from Europe to Bombay is much shorter than the route from Europe to Calcutta or Europe to Madras. That is why large number of poor people from other parts of India leave their homes and come to Bombay as temporary residents. It is easier to find a job in Bombay than elsewhere.

Really speaking the matter has to be looked at from a different point of view. People have been coming to Bombay for the last two hundred years or so. Yet this influx has not reduced the Maharashtrian population in the city below 48 per cent. After two hundred years, the bedrock of its population remains Maharashtrian in its composition. This is due to the migratory character of City (*See* Appendix 3). The Gujarathis are migratory population.

There are also other arguments which could be urged in favour of allowing Bombay to remain as part of Maharashtra.

Bombay is not the only composite city in India. Calcutta and Madras are also composite cities. If Calcutta can be part of Western Bengal and Madras can be part of Madras State what objection can there be to Bombay being made part of Maharashtra ? This is the question that every Maharashtrian will ask. I see no answer to this question. The only answer that comes to one's mind is that the Congress High Command thinks that Maharashtrians are unfit to rule others. This is a slur on the Maharashtrian character and they will not tolerate it.

It is said that Bombay has been built up by the capital belonging to non-Maharashtrians. That may be so. But has Madras been built by the capital of Madrasees ? Has Calcutta been built by the capital of Bengalees? Without the capital of Europeans Madras and Calcutta would have been villages. Then why urge this point against the Maharashtrians when they claim Bombay to themselves ? Maharashtrians have at least contributed labour without which Bombay could not have been what it is. It must always be remembered that the life lines of Bombay lie in Maharashtra. The sources of its electricity lie in Maharashtra. Sources of its water supply lie in Maharashtra. The sources of its labour lie in Maharashtra. Maharashtra can at any time make the city of Bombay '*Mohenjodaro*' a City of the Dead.

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The Gujarathi population is filled with fear that Maharashtrians will practise discrimination against them. But under our Constitution discrimination is not possible for the reason that the Constitution contains a list of fundamental rights and remedies by way of writs from the High Court and the Supreme Court which can immediately provide redress for a wrong. For every wrong of a discriminative character there is a remedy provided by the Constitution. Why should the Gujarathis have any fear ?

Let us now consider what benefit the Gujarathis are going to get from Bombay being made a separate City State. Their population in the Bombay State is only ten per cent. How many seats can they get in the Bombay City State Legislature ? Not even ten per cent. How can ten per cent protect their clients against 90 per cent ?

It must be remembered that the feelings between the Maharashtrians and the Gujarathis would hereafter be running high as never before. A Maharashtrian will not vote for a Gujarathi candidate and a Gujarathi voter will not vote for a Maharashtrian candidate. Hitherto the Gujarathis have been able to plough the sands of Maharashtra with their money. But money may not succeed once self-respect is aroused. The Gujarathis must consider whether goodwill is not a better protection than a paltry share in the Government of the City.

While the case of Maharashtra is as strong as steel there are some points on the other side which they must not fail to consider in their anger.

They want Bombay to be within Maharashtra. But the question which they must consider is : What do they want ? Do they want prosperous Bombay or do they want decadent Bombay ? Can Bombay be prosperous under Maharashtra ? This in other words means : can Maharashtra provide the capital necessary for the growing trade and industry of the City ? No Maharashtrian can answer this question in the affirmative. The Maharashtrians may be able to supply the need for capital after a course of years. But certainly not now.

The second point is : what would be the effect on the standard of living of Maharashtrians living in Bombay if the City's prosperity declines either by flight of capital or removal of business houses. The Maharashtrians must not forget, however it may hurt their pride, that they are a nation of clerks and coolies. What employment can they get in a declining city ?

The Maharashtrian should consider the question of Bombay from this point of view. There is a saying which says :

सर्वनाशे समुत्पन्ने अर्धं त्यजति पंडितः ।

There is also another reason why Bombay City should be made a separate state. The minorities and the Scheduled Castes who are living in the villages are constantly subjected to tyranny, oppression, and even murders by the members of the majority communities. The minorities need an asylum,

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a place of refuge where they can be free from the tyranny of the majority. If there was a United Maharashtra with Bombay included in it where they can go to for safety ? The same tyranny was practised over the Brahmins, Marwaris and Gujarathis living in the villages when Godse killed Mr. Gandhi. All the Brahmins, Marwaris and Gujarathis who were once living in villages ran away and are now living in towns and forgetting their experiences are shouting for United Maharashtra, after having reached a safe harbour.

It seems to me that Maharashtrians will do well to accept the decision of the Congress High Command for the time being.

The Maharashtrians need have no fear of losing Bombay. Nobody can dispossess Maharashtrians of Bombay. Much less can there be any custer of them by anybody.

The real objection to the creation of Bombay as a separate State arises from the fact that the name Bombay does not carry within it the sense that it is part of Maharashtra. It is to remove this objection that I propose that the new State of Bombay should be renamed by another name which will carry on its face the word Maharashtra.

Supposing in terms of this suggestion instead of saying that Bombay be made a separate State it is said that Maharashtra be divided into four States, (1) Maharashtra City State (which is Bombay City), (2) Western Maharashtra, (3) Central Maharashtra, (4) Eastern Maharashtra; what objection can there be to the creation of a separate State of Bombay ?

This also involves the separation of Bombay. With this change in the name of the City I like to know which Maharashtrian can raise objection to the creation of Bombay as a separate City State on the ground that this scheme separates Bombay from Maharashtra ? To say that Bombay be made a separate State is merely stating that Maharashtra be divided into four States. If there is no objection to Maharashtra being divided into *two* or *three* States what objection can there be to Maharashtra being divided into four? I can see none. For the sake of similarity in language I propose that Calcutta be called Bengal City State and Madras be called Tamil City State.

This is one proposal which I make to ease the tension between Maharashtrians and Gujarathis.

The Maharashtra City State will be a surplus State. Those who are wanting United Maharashtra with Bombay are hoping to get the benefit of this surplus for Maharashtra.

The surplus revenue of the City State arises because of (1) The Property Tax and (2) The Electricity Tax. Can the revenue from these two sources be appropriated by Maharashtra if Bombay becomes a separate City State ?

Nothing can be done to take away the yield of the Property Tax from the Bombay City State Property Tax. It is a local tax, on local situated

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property. The State within which the property is situated is entitled to the yield of the Tax.

With regard to the Electricity Tax the situation is different.

When Gujarath and Maharashtra are separated—and they must be—Gujarath will claim the revenue derived from electricity produced and consumed within Gujarath. Maharashtra will claim the revenue derived from electricity produced and consumed within Maharashtra. Bombay City as a State will do the same. Can Bombay be allowed to do so and appropriate the revenue to itself ? Is it just ? Bombay City does not produce electricity. It is produced outside Bombay City in Maharashtra. Therefore the new Bombay City State has no right to appropriate to itself the whole revenue derived from electricity. The proper thing to do is to apply the principle of the segregation of the sources and division of the yield well known to all students of State Finance.

To put it in concrete shape let the Centre take over the taxation of Electricity and divide the yield among the four States of Maharashtra—(1) Bombay, (2) Western Maharashtra, (3) Central Maharashtra, (4) Eastern Maharashtra according to their needs.

It will also ease the financial strain that the three Maharashtras are likely to suffer on account of the separation of Bombay.

IV

UNITED OR DIVIDED ?

I have said that Bombay be given a new area and made into a separate City State.

There now remains the question of how to deal with the rest of the Maharashtra. I have suggested that the rest of the Maharashtra should be divided into three States.

From very ancient times Maharashtra has been divided into three States.

Maharashtra first comes to be known in history during the time of Ashok. It is mentioned in *Mahavansa* in connection with reference to the missionaries sent by Ashok to different parts of India for the purpose of propagating Buddhism. But thereafter the Pali literature speaks of *Trai Maharashtrika* or three Maharashtras. It means that from very ancient times there have been three Maharashtras. My proposal is not therefore new.

The distribution of population, area and revenue would be as shown in Table (on page 160).

The accompanying map No. 5 will show the area and boundaries of each of the three divisions.

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For the present, from the point of view of area and population there is nothing to complain against the three divisions.

From the earliest times they have always been spoken of as *Trai Maharashtras*.

The division does no wrong to the language principle. In fact if all the three Maharashtras have the same language it can help to develop the Marathi language if it is worth their while to do so.

The question of viability I will consider later on. I propose to deal with it separately in a special chapter.

Bombay was then unknown. Otherwise it would have been the fourth part of Maharashtra.

Of the remaining three parts what I call Eastern Maharashtra is already a separate State. All that required is that it should be allowed to remain separate. It has got a well-established administration system, a well-established revenue system and a well-established judicial system. It has been separated from the trammels of the Hindi-speaking people.

The only problem that remains is how to divide the area covered by the Maharashtra which is part of the present Bombay State and the Marathwada of the Hyderabad State.

Instead of forming a merger of the two into one and joining it to the third which I call Eastern Maharashtra, why not divide the Maharashtra part of Bombay and Marathwada into two equal States ? This is my scheme. I transfer six districts of Maharashtra part of the Bombay State and make them part of Marathwada. (*See* Map No. 5). The distribution of the area and population of the three Maharashtras are shown below :

The Population Area and Revenue of the Three Maharashtra States will be approximately as follows

Name of State	Total Population (in crores)	Total Area (in sq. miles)	Total Revenue	Total Expenditure
WESTERN MAHARASHTRA	1,26,77,316	30,028	26,24,20,441	not known
CENTRAL MAHARASHTRA	1,24,09,044	55,482	21,63,80,095	not known
EASTERN MAHARASHTRA	80,27,130	39,004	9,41,11,012	not known
Total ..	3,31,13,490	1,24,514	57,29,11,548	

I will now proceed to state my reasons in support of my plan.

I have said that Maharashtra has always been divided into three. This is a historical argument. It at least shows that the tradition, the way of life and the social and economic condition of what is called United Maharashtra is not one. Those who are in a hurry to have United Maharashtra

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may not take it seriously. But there are other arguments which arise out of the present condition and which cannot be ignored. I mention a few.

My first argument is that a single Government cannot administer such a huge State as United Maharashtra.

The total population of the Marathi-speaking area is 3,30,83,490. The total area occupied by the Marathi-speaking people is 1,74,514 sq. miles. It is a vast area and it is impossible to have efficient administration by a single State. Maharashtrians who talk about Samyukta Maharashtra have no conception of the vastness as to the area and population of their Maharashtra. But why there should be one single Maharashtrian State. I am quite unable to understand. To have a separate Maharashtra State is one thing. To have a single. Maharashtra State is quite a different thing. I am in favour of a separate Maharashtra, separate from Gujarathis and separate from Hindi-speaking people. But I am unable to understand why a free Maharashtra should be made into one single State. The Maharashtrians are not planning to declare war on U.P. and therefore they need not have a common front.

Even from the point of view of Marathas why should there be this consolidation ? What affiliation has a Maratha of Satara got with the Maratha of Aurangabad ? What affiliation has a Maratha of Nasik got with the Maratha of Ratnagiri? What care and interest a Maratha of Satara is going to bestow upon the problems of the Maratha of Aurangabad ? What care and interest a Maratha of Nasik is going to bestow upon the problems of the Maratha of Ratnagiri ? The consolidation has no meaning and can serve no purpose.

All Maratha Ministers in the present Bombay Cabinet come from Satara District or Nasik District. There is none from Konkan.

The second consideration is the economic inequality between the three parts of Maharashtra. Marathwada has been solely neglected by the Nizam. What guarantee is there that the other two Maharashtras will look after the interests of what I call the Central Maharashtra ?

The third consideration is industrial inequality between the three parts of Maharashtra. Western Maharashtra and Eastern Maharashtra are industrially well developed. What about the Central Maharashtra ? What guarantee is there of its industrial development ? Will Western Maharashtra and Eastern Maharashtra take interest in the industrial development of Central Maharashtra ?

The fourth consideration is the inequality of education between Eastern and Western Maharashtra on the one hand and Central Maharashtra on the other. The inequality between them is marked. If the Central Maharashtra goes under the Poona University its destiny is doomed.

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I am greatly worried about Marathwada. It was hitherto part of the Nizam's Territory for the last 200 years. The Nizam had criminally neglected this area. He took no interest in it. There is not a mile of canal irrigation in Marathwada. There is hardly a high school in taluka places in Marathwada. There is hardly a youth in Nizam's public service from Marathwada. I speak from knowledge and experience. People are not only down and out they are ignorant. They are being grabbed by highly advanced people on both sides. When their avenues of employment are closed there will be further degradation in their position.

I shudder to think what would happen when Marathwada goes under the Poona University. The standard of education in the schools and colleges under the Poona University is so high that hardly any boy from Marathwada can hope to pass the examination. It is quite possible that with the madness for united Maharashtra there will develop a madness for a single and common University.

The creation of United Maharashtra will be followed by the onrush of Poona and Nagpur Brahmins in Marathwada to pick up the jobs.

There is a further reason why Maharashtra should be divided into three.

The total strength of the Bombay Legislative Assembly is 315. Out of them 149 members are Marathi-speaking. The total strength of the Bombay Legislative Council is 72 ; out of them 34 are Marathi-speaking. Obviously some Marathi-speaking person should have been the Chief Minister of the Bombay State. Mr. Hirey stood up as a candidate for the Chief Ministership. But he was made to sit down by the Congress High Command. Not only was Mr. Hirey made to sit down but he was forced to move that Mr. Morarji Desai be made the Chief Minister. What a humiliation for a Maharashtrian leader ! And what value does the Congress High Command attach to the political intelligence of Maharashtrians ?

The same incapacity of the Maratha Ministers is clear from the division of subjects referred earlier.

It is obvious from the facts given above that the Marathas are lacking in political talent. There is no man of eminence among them such as Tilak, or Gokhale or Ranade. The Maharashtrian today counts for nothing. The Congress Maharashtrian counts for much less in the Congress. The non-Congress Maharashtrian also counts for nothing. It is therefore absolutely essential to train up Maharashtrians in political life. This political training has become fundamental because of the transfer of power to the masses. The word Marathas is used in two senses. In one sense it means all those who speak the Marathi language. In another sense it means all those who are Marathas by caste. They are all spoken of as Marathas. But they all fail to make the distinction between Marathas i.e. those who speak the Marathi language and Marathas i.e. those who are Marathas by caste.

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Those who are going to rule Maharashtra are not Marathas by speech but Marathas by caste, notwithstanding the hopes of the Brahmins. Now it cannot be denied that Marathas are politically the most backward community. It is fundamental that they should receive political training. If there is only one Maharashtra only one Maratha can be trained as Chief Minister and five or six as Ministers. On the other hand if there are three Maharashtra States, three Marathas can find training as Chief Ministers and thirty Marathas can get training as Ministers. We can do real service to ourselves by helping to educate our Masters.

The only way of educating the Marathas is to give them more field for developing their abilities and exercising their abilities. Only the creation of three Maharashtras can do this.

There is a story which is very appropriate to the occasion. The father of a young girl had taken her for an outing in a jungle. She found that under big trees there stood small shrubs. Finding this to be uniformly so, she asked her father why these small shrubs under the big trees do not grow. The father not being a botanist could not give an answer. So he said : Oh ! I do not know. He, however, felt that the question was very significant. He was a Professor in a college. Next day he went to the college and put the question to his Botanist colleague. The Botanist replied : Why ! The answer is simple. The big trees use up all the sun's rays to themselves. The shrubs do not get any rays. That is why they do not grow. The Marathwada people must not forget the moral of this story.

The only argument in favour of United Maharashtra is that it is like a meeting of the two brothers Rama and Bharat in Ramayana after a long separation. It is a silly argument, not worth consideration.

There are some Maharashtrians who are satisfied with some kind of Political Treaty with Western Maharashtra guaranteeing some concessions. Treaties are like scraps of paper. They cannot be enforced. Instead of political treaties which nobody can enforce is it not better to have power in one's own hands ?

What a poor and wretched show by Maharashtrians in the Government of Bombay ! If this is the show that the most advanced and educated part of Maharashtrians can make, what can be expected from the people of Marathwada ?

I advise the people of Marathwada or Central Maharashtra to have a State of their own so that they have power in their own hands to improve their own lot.

V

RECLAMATION OF LOST TERRITORY

Should all the Marathi-speaking people be huddled up under one State ? Or should they be divided into two or more States.

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How to dispose of the remainder when Bombay is separated is the next question. The remainder consists of two parts : (1) Gujarath, (2) Maharashtra.

I am concerned with Maharashtra.

While creating Linguistic Provinces the Commission has given over Marathi-speaking areas to non-Marathi-speaking areas. The number of such excluded areas are as follows :

1. Belgaum Taluka with the City of Belgaum.
2. Khanapur Taluka.
3. Chikori Taluka including Nipani.
4. Supa Taluka.
5. Karwar Taluka.
6. Nilanga Taluka in Bidar.
7. Ahamadpur Taluka in Bidar.
8. Udgir Taluka in Bidar.
9. Rajgir Taluka in Adilabad.
10. Some portion from Vidarbha given to the neighbouring Hindi-speaking State.

The Maharashtrians excluded from Maharashtra come to 13,89,648 in terms of population.

The Commission in retaining the mixed State of Bombay had to secure two most important objects. One is not to allow Bombay to go into the hands of Maharashtrians. This the Commission did by creating a mixed State. The second thing they had to do was to secure equality between Maharashtrians and the Gujarathis. The necessity of equality between the two in the future Legislature of the Bombay State as planned by the Commission had become urgent as the members of Karnatak in the old Assembly on whom the Gujarathis depended for their majority were to disappear in the new Karnatak State. This the Commission did by clipping the wings of Maharashtra by handing over Marathi-speaking people to non-Marathi-speaking States. There seems to be no other reason for this political vandalism.

This wrong done by the Commission to Maharashtra must now be remedied and fortunately it can be undone. The proposal of a mixed State is gone and there is no necessity for equality between Maharashtrians and Gujarathis.

CHAPTER 8

SUMMARY OF PRINCIPLES GOVERNING THE ISSUE

For the sake of the reader I summarize below the principles which should underly the creation of Linguistic States which are already enunciated in

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the foregoing pages but which lie about scattered. These principles may be stated as below :

(1) The idea of having a mixed State must be completely abandoned.

(2) Every State must be an unilingual State. One State, one language.

(3) The formula one State, one language must not be confused with the formula of one language, one State.

(4) The formula one language, one State means that all people speaking one language should be brought under one Government irrespective of area, population and dissimilarity of conditions among the people speaking the language. This is the idea that underlies the agitation for a united Maharashtra with Bombay. This is an absurd formula and has no precedent for it. It must be abandoned. A people speaking one language may be cut up into many States as is done in other parts of the world.

(5) Into how many States a people speaking one language should be cut up, should depend upon (1) the requirements of efficient administration, (2) the needs of the different areas, (3) the sentiments of the different areas, and (4) the proportion between the majority and minority.

(6) As the area of the State increases the proportion of the minority to the majority decreases and the position of the minority becomes precarious and the opportunities for the majority to practise tyranny over the minority become greater. The States must therefore be small.

(7) The minorities must be given protection to prevent the tyranny of the majority. To do this the Constitution must be amended and provisions must be made for a system on plural member constituencies (two or three) with cumulative voting.

PART IV

THE PROBLEMS OF LINGUISTIC STATES

CHAPTER 9

VIABILITY

Will the three Maharashtrian States be viable ? Will their Revenue be sufficient to meet their expenditure ? Such a question is bound to be asked.

It is not that such a question can be asked about Maharashtra alone. It can be asked about many other States in India.

I give four statements relating to Part A States, Part B States and the Central Government from Part III of the Report of the Taxation Inquiry Committee presided over by Dr. John Mathai (*See* Tables 4, 5, 6 and 7).

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From these statements the following propositions stand out :

(1) That upto a certain year in the life of the States there was no deficit. They were all viable. It is only after Congress came into office that States ceased to be viable.

(2) That since the Congress came into office the Excise Revenue has begun to dwindle. It has gone down to a vanishing point.

(3) That Income Tax and Sales Tax have increased enormously.

These are the causes which explain why States have ceased to be viable.

The Excise Revenue is being sacrificed for a false idealogy which has no meaning, no sense and no reality.

In regard to the Policy of Prohibition followed by the Congress, the following conclusions can be drawn without fear of challenge :

(1) An enormous amount of revenue is sacrificed for nothing.

(2) People have not ceased to drink. There is enormous amount of illicit manufacture of liquor which is being sold to the public clandestinely.

(3) The money lost by Government is picked up by the illicit manufacturer.

(4) Prohibition has demoralized Society. Formerly only male members of the family drank because they alone could go to the liquor shop. Now illicit liquor manufacture has become a Home Industry. Liquor being now made at home both men and women drink.

(5) In addition to the loss of revenue on account of Prohibition Government has to undertake increased expenditure on Police to enforce Prohibition which, however, they never do.

What good is this Prohibition which does not prohibit ? The Congress threatens to extend this Prohibition to the whole of India. God bless the Congress! It is said that God first makes them mad whom. He wishes to destroy. God is doing the same with Congressmen.

It is enough for me to say that Congress cannot have both viability and Prohibition.

Coming to the Land Revenue it could certainly be increased. But the Congress is afraid to touch the agriculturist for fear of losing votes. It is therefore raising money from the Sales Tax and the Income Tax both of which fall so heavily on the urban classes as is apparent from Table No. 6.

It is therefore clear that viability is no problem. Only the Congress has to revise its Taxation Policy.

Viability is a question of capacity to bear taxation and will to tax. There is enough capacity. What is wanted is will.

The whole of the Indian Taxation system requires to be changed. It is a question of altering the Constitution. I cannot deal with it now. I must reserve it for another occasion.

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CHAPTER 10

MAJORITIES AND MINORITIES

Politics is nothing if not realistic. There is very little in it that is academic. It is therefore follows that before passing any judgement on any scheme of politics it is essential that one must consider the ground plan.

Someone may ask what do I mean by "Ground Plan". To me the ground plan means the social structure of a community to which the political plan is sought to be applied.

It needs no argument to show that the political structure rests on the social structure. Indeed the social structure has a profound effect on the political structure. It may modify it in its working. It may nullify it or it may even make a mockery of it.

In the case of India the social structure is built up on the caste system, the special product of Hindu civilization and culture.

The caste system is so well known that one need not wait to explain its nature. One can straight proceed to show what effect it is likely to have on Linguistic States.

There are some peculiar features of the caste system which must however be noted—

(1) Castes are so distributed that in any given area there is one caste which is major and there are others which are small and are subservient to the major caste owing to their comparative smallness and their economic dependence upon the major caste which owns most of the land in the village.

(2) The caste system is marked not merely by inequality but is affected by the system of graded inequality. All castes are not on a par. They are one above the other. There is a kind of ascending scale of hatred and a descending scale of contempt.

(3) A caste has all the exclusiveness and pride which a nation has. It is therefore not improper to speak of collection of castes as a collection of major and minor nations.

I am sorry, I cannot illustrate these points by reference to facts and figures. The census which is the only source of information on these points fails to help me. The last census omits altogether the caste tables which had been the feature of the Indian census ever since its birth. The Home Minister of the Government of India who is responsible for this omission was of the opinion that if a word does not exist in a dictionary it can be proved that the fact for which the word stands does not exist. One can only pity the petty intelligence of the author.

The consequences of the caste system on politics are quite obvious. The interesting part is to see what effect it has upon elections which is the foundation of Representative Government which is reared up on a system of single member constituencies.

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The effects may be summarized as follows :

(1) Voting is always communal. The voter votes for the candidate of his community and not for the best candidate.

(2) The majority community carries the seat by sheer communal majority.

(3) The minority community is forced to vote for the candidate of the majority community.

(4) The votes of the minority community are not enough to enable the candidate to win the seat against the candidate put up by the majority community.

(5) As consequence of social system of graded inequality the voter of the higher (major) communities can never condescend to give his vote to a candidate of a minority community. On the other hand the voter of the minority community who is socially on a lower level takes pride in giving his vote to the candidate of the majority community. That is another reason why a candidate of a minority community loses in election.

The Congress always wins, so it is found. But no one asks why does the Congress win ? The answer is that Congress is very popular. But why is the Congress popular ? The true answer is that Congress always puts up candidates which belong to castes which are in the majority in the constituencies. Caste and Congress are closely linked. It is by exploiting the caste system that the Congress wins.

These evil consequences of the caste system are sure to be sharpened by creation of Linguistic States. Minority communities may be crushed. If not crushed they may be tyrannized and oppressed. They are sure to be discriminated against and denied equality before law and equal opportunity in public life.

The history of nations and the changes in their idealogies have been well traced by Lord Action :

> "In the old European system, the rights of nationalities were neither recognized by governments nor asserted by the people. The interest of the reigning families, not those of the nations, regulated the frontiers, and the administration was conducted generally without any reference to popular desires. Where all liberties were suppressed, the claims of national independence were necessarily ignored, and a princess, in the words of Fenelon, carried a monarchy in her wedding portion."

Nationalities were at first listless. When they became conscious :

> "They first rose against their conquerors in defence of their legitimate rulers. They refused to be governed by usurpers. Next came a time when they revolted because of the wrongs inflicted upon them by their rulers. The insurrections were provoked by particular grievances justified by definite complaints. Then came the French Revolution which effected

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a complete change. It taught the people to regard their wishes and wants as the supreme criterion of their right to do what they like to do with themselves. It proclaimed the idea of the sovereignty of the people uncontrolled by the past and uncontrolled by the existing state."

The caste is a nation but the rule of one caste over another may not be admitted to be the same as the rule of one nation over another. But supposing the case is not carried so far but is limited to majority and minority even then the question remains : What right has the majority to rule the minority?

The answer is that whatever the majority does it is right. What complain the minorities can haye ?

People who rely upon majority rule forget the fact that majorities are of two sorts : (1) Communal majority and (2) Political majority.

A political majority is changeable in its class composition. A political majority grows. A communal majority is born. The admission to a political majority is open. The door to a communal majority is closed. The politics of a political majority are free to all to make and unmake. The politics of a communal majority are made by its own members born in it.

How can a communal majority run away with the title deeds given to a political majority to rule ? To give such title deeds to a communal majority is to establish a hereditary Government and make the way open to the tyranny of that majority. This tyranny of the communal majority is not an idle dream. It is an experience of many minorities. This experience to Maharashtrian Brahmins being every recent it is unnecessary to dilate upon it.

What is the remedy ? No doubt some safeguards against this communal tyranny are essential. The question is : What can they be ? The first safeguard is not to have too large a State. The consequences of too large a State on the minority living within it are not understood by many. The larger the State the smaller the proportion of the minority to the majority. To give one illustration—If Mahavidarbha remained separate, the proportion of Hindus to Muslims would be four to one. In the United Maharashtra the proportion will be fourteen to one. The same would be the case of the Untouchables. A small stone of a consolidated majority placed on the chest of the minority may be borne. But the weight of a huge mountain it cannot bear. It will crush the minorities. Therefore creation of smaller States is a safeguard to the minorities.

The second safeguard is some provision for representation in the Legislature. The old type of remedy provided in the Constitution were (1) certain number of reserved seats and (2) separate electorates. Both these safeguards have been given up in the new Constitution. The lambs are shorn of the wool. They are feeling the intensity of the cold. Some tempering of the wool is necessary.

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Separate electorates or reservation of seats must not be restored to. It would be enough to have plural member constituencies (of two or three) with cumulative voting in place of the system of single-member constituency embodied in the present Constitution. This will allay the fears which the minorities have about Linguistic States.

PART V

THE NEED FOR A SECOND CAPITAL

CHAPTER 11

INDIA AND THE NECESSITY OF A SECOND CAPITAL

A WAY TO REMOVE TENSION BETWEEN THE NORTH AND THE SOUTH

Can India afford to have one Capital ? That India has now one capital does not close the question. If the Capital of India is not satisfactorily located, now is the time for considering the question.

Since the departure of the British, India has only one capital and that is Delhi. Before the British, India has always had two capitals. During the Moghal period, India had Delhi as one Capital and Shrinagar in Kashmir as another Capital. When the British came they too had two capitals, one was Calcutta and another was Simla. Even when they left Calcutta for Delhi, they retained Simla as their summer Capital. The two capitals maintained by the Moghuls and by the British were the results of climatic conditions. Neither the British nor the Moghuls were able to live in Delhi or in Calcutta continuously for 12 months. The summer months in Delhi were unbearable to the Moghuls. They made Shrinagar their second capital for summer months. The summer months in Calcutta were equally unbearable to the British. They, therefore, established a second capital. To these climatic conditions must now be added three other conditions. There was no popular Government when the Moghuls ruled or when the British ruled. Now we have popular Government and the convenience of the people is an important factor. Delhi is most inconvenient to the people of the South. They suffer the most from cold as well as distance. Even the Northern people suffer in the summer months. They do not complain because they are nearer home and they are nearer the seat of power. Second is the feeling of the Southern people and the third is the consideration of Defence. The feeling of the Southern people is that the Capital of their Country is far away from them and that they are being ruled by the people of Northern India. The third consideration is of course more important. It is that Delhi is a vulnerable place. It is within bombing distance of the neighbouring countries. Although India is trying to live in peace with its neighbours it cannot be assumed that India will not have to face war sometime or other and if war comes, the Government of India will have to leave Delhi and find another place for

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its location. Which is the place to which the Government of India can migrate ? A place that one can think of is Calcutta. But Calcutta is also within bombing distance from Tibet. Although India and China today are friends, how long the friendship would last no one can definitely say. The possibility of conflict between India and China remains. In that event Calcutta would be useless. The next town that could be considered as a refuge for the Central Government is Bombay. But Bombay is a port and our Indian Navy is too poor to protect the Central Government if it came down to Bombay. Is there a fourth place one could think of ? I find Hyderabad to be such a place. Hyderabad. Secunderabad and Bolarum should be constituted into a Chief Commissioner's Province and made a second capital of India. Hyderabad fulfils all the requirements of a capital for India. Hyderabad is equidistant to all States. Anyone who looks at the table of distances given below will realize it :

	From Delhi Miles	From Hyderabad Miles
To Bombay	798	440
To Calcutta	868	715
To Madras	1,198	330
To Karnul	957	275
To Trivendrum	1,521	660
To Patiala	124	990
To Chandigarh	180	1,045
To Lucknow	275	770

From the defence point of view it would give safety to the Central Government. It is equidistant from all parts of India. It would give satisfaction to the South Indian people that their Government is sometimes with them. The Government may remain in Delhi during winter months and during other months it can stay in Hyderabad. Hyderabad has all the amenities which Delhi has and it is a far better City than Delhi. It has all the grandeur which Delhi has. Buildings are going cheap and they are really beautiful buildings, far superior to those in Delhi. They are all on sale. The only thing that is wanting is a Parliament House which the Government of India can easily build. It is a place in which Parliament can sit all the year round and work, which it cannot do in Delhi. I do not see what objection there can be in making Hyderabad a second capital of India. It should be done right now while we are reorganising the States.

Hyderabad, Secunderabad and Bolarum should be constituted into a second capital of India. Fortunately, it can be very easily done with satisfaction to the whole of South India, to Maharashtra and to the Andhras.

This is another remedy for easing the tension between the North and the South.

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PART VI

MAPS

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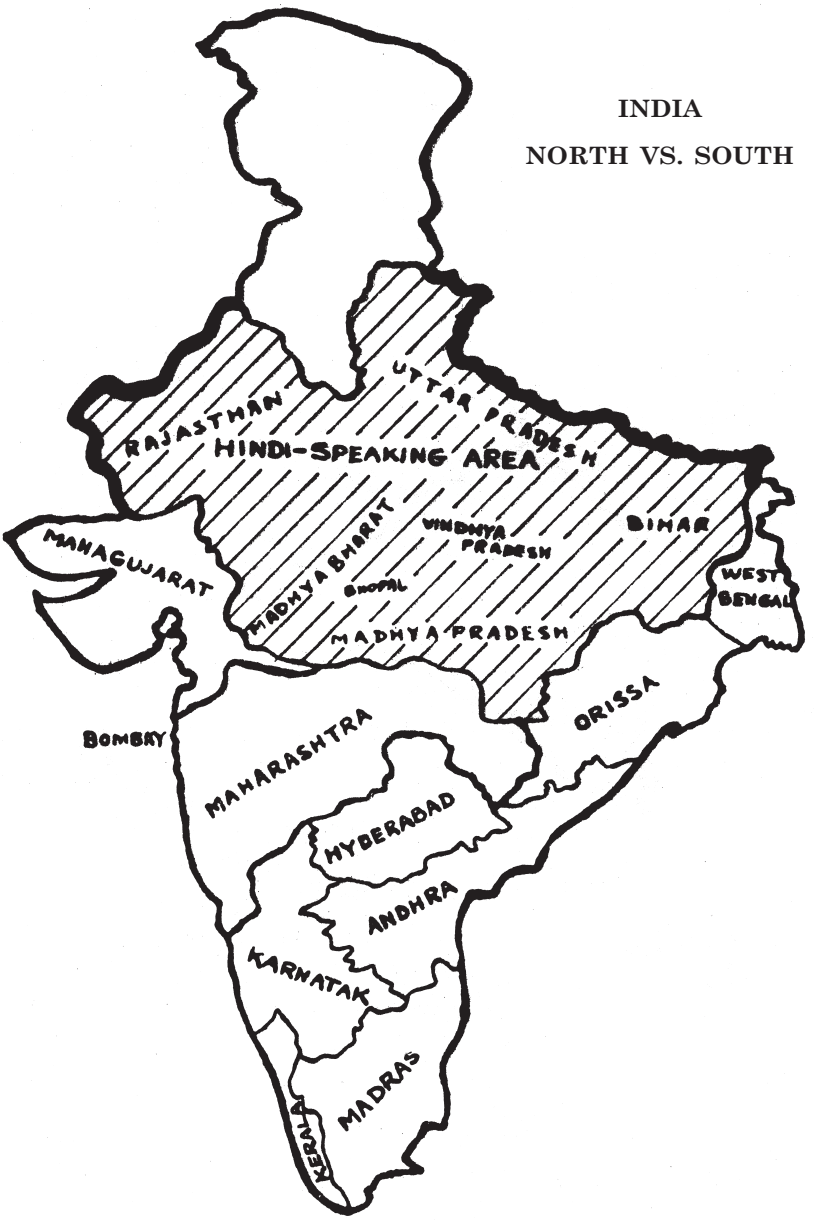
MAP NO. 1

INDIA

NORTH VS. SOUTH



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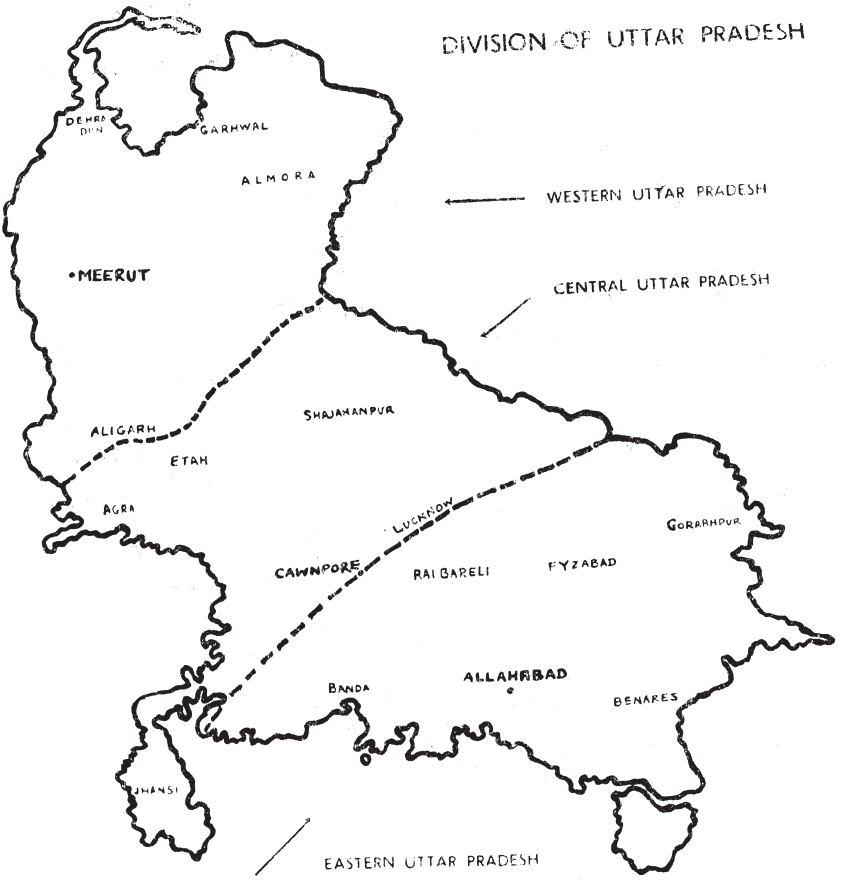
MAP No. 2



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MAP No. 3



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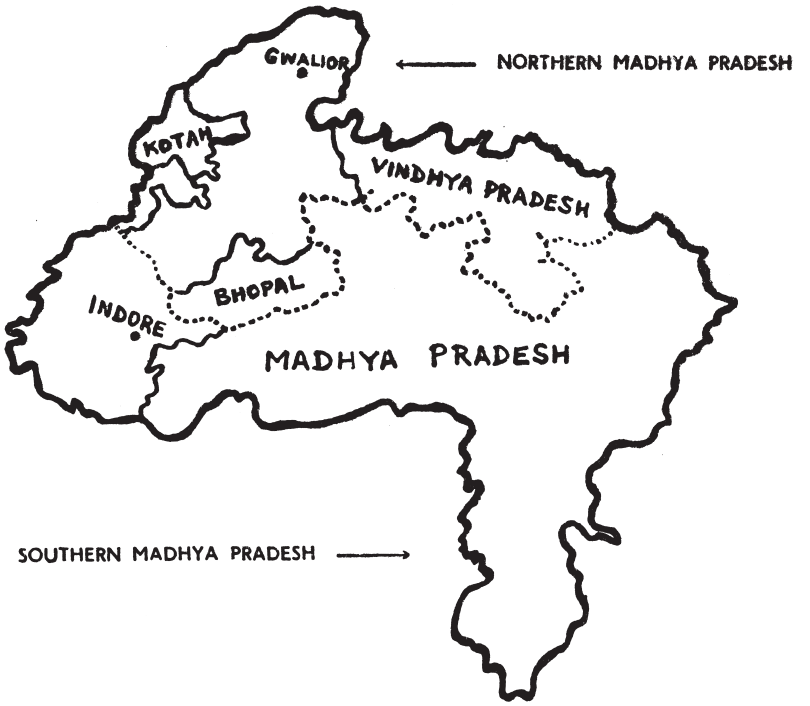
MAP No. 4

DIVISION OF MADHYA PRADESH



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MAP No. 5

DIVISION OF MAHARASHTRA



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PART VII

STATISTICAL APPENDICES

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APPENDIX 1

Population by Linguistic Families

Language groups	No. of languages spoken	No. of speakers as mother-tongue and subsidiary 1931 (bilinguals shown twice)	No. of speakers 1931	No. of speakers mother-tongue only 1931	Difference between columns 4 and 5 (increase in 1931 + decrease in 1931 –)	Difference between columns 4 and 3 (increase + decrease –)
1	2	3	4	5	6	7
A—Language of India and Burma ..	225	366,430,537	315,525,177	349,887,527	+ 94,362,350	+ 50,905,360
(i) Austric Languages—						
1. Indonesian languages ..	2	6,542	5,561	6,542	+ 981	+981
2. Mon-Khmer languages ..	10	734,204	549,917	726,578	+ 176,661	+ 184,287
3. Munda languages* ..	7	4,710,685	3,973,873	4,609,588	+ 635,715	+ 736,812
(ii) Tibeto-Chinese languages—						
1. Tibeto-Burman languages ..	128	14,167,611	11,959,011	12,982,840	+ 1,023,829	+ 2,208,600
2. Tai-Chinese languages ..	11	1,150,220	926,335	1,027,656	+ 101,321	+ 223,885
3. Man and Karen languages* ..	17	1,351,291	1,114,617	1,342,278	+ 227,661	+ 236,674
(iii) Dravidian languages—						
1. Dravida languages . ..	7	47,032,874	37,285,594	41,454,593	+ 4,168,999	+ 9,747,280
2. Intermediate languages ..	5	3,661,277	3,056,598	3,609,418	+ 552,820	+ 604,679
3. Andhra language ..	1	28,195,824	23,601,492	26,373,727	+ 2,772,235	+ 4,594,332
4. N.W. language ..	1	231,581	184,368	207,049	+ 22,681	+ 47,213

APPENDIX 1—*contd.*

1		2	3	4	5	6	7
(iv) Indo-European languages—							
1. Eranian languages	..	3	2,457,134	1,981,675	2,270,466	+ 288,791	+ 475,459
2. Dardic languages	..	5	1,354,031	1,304,319	1,522,936	+ 218,617	+ 238,712
3. Indo-Aryan languages	..	19	261,105,909	229,560,555	253,699,403	+ 24,138,848	+ 31,545,354
(v) Unclassed languages—							
1. Andamanese	..	2	466	580	466	+114	–114
2. Burushaski	..	1	26,076	....	26,076	+ 26,076	+ 26,076
3. Gipsy dialects †	..	6	25,999	15,018	25,999	+ 10,981	+ 10,981
4. Languages not returned and unspecified.		....	‡ 29,813	5,664	2,912	+ 3,752	+ 24,149
B—Languages of other Asiatic countries and Africa.		17	305,386	211,894	302,324	+ 90,430	+ 93,492
C—Languages of Europe	..	10	452,099	319,112	339,706	+ 20,594	+ 132,987

*The correct classification of these two languages is doubtful. Pizyluski treats them as Tai (Meillet and Cohen, *langues du Monde* 380), but it is probable they have Austric affinities.

†These dialects are drawn from various Indian languages and contain such diverse elements that they cannot fairly be allotted to one family rather than another.

‡Includes Hill and aboriginal subsidiary languages (27,841).

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APPENDIX 2

Area and Population of States of United States of America

	Name of State	Area sq. miles	Population Est. 1944
	1	2	3
1.	Alabama	51,609	2,818,083
2.	Arirona	113,909	638,412
3.	Arkansas	53,102	1,776,446
4.	California	158,693	8,746,989
5.	Colorado	104,247	1,147,269
6.	Connecticut	5,009	1,176,807
7.	Delaware	2,057	283,802
8.	Florida	58,560	3,367,217
9.	Georgia	58,876	3,223,727
10	Idaho	83,557	531,573
11.	Illinois	56,400	7,729,720
12.	Indiana	36,291	3,419,707
13.	Jowa	56,280	2,269,759
14.	Kansas	82,276	1,774,447
15.	Kentucky	40,395	2,630,194
16.	Louisiana	48,523	2,535,385
17.	Maine	33,215	793,600
18.	Maryland	10,577	2,127,874
19.	Massachusetts	8,257	4,162,815
20.	Michigan	58,216	5,429,641
21.	Minnesota	84,008	2,508,663
22.	Mississippi	47,716	2,175,877
23.	Missouri	69,674	3,589,538
24.	Montana	147,138	464,999
25.	Nebraska	77,237	1,213,792
26.	Nevada	110,540	156,445
27.	New Hampshire	9,304	457,231
28.	New Jersey	7,836	4,167,840
29.	New Mexico	121,666	532,212
30.	New York	49,576	12,632,890
31.	North Caroline	52,712	3,534,545
32.	North Dakota	70,665	528,071
33.	Ohio	41,222	638,667

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APPENDIX 2—*contd.*

Name of State	Area sq. miles	Population Est. 1944
1	2	3
34. Oklahoma	69,919	2,064,679
35. Oregon	96,981	1,214,226
36. Pennsylvania	45,332	9,247,088
37. Rhode-Island	1,214	778,972
38. South Carolina	31,055	1,923,354
39. South Dakota	77,047	558,629
40. Tennessee	42,246	2,870,158
41. Texas	267,339	6,876,248
42. Utah	84,916	606,994
43. Vermont	9,609	310,941
44. Virginia	40,815	3,119,115
45. Washington	68,192	2,055,378
46. West Virginia	24,181	1,715,984
47. Wisconsin	56,154	2,975,910
48. Wyoming	97,914	257,108

APPENDIX 3

The population of the Bombay City according to the Communities given in the Census of 1941 is as follows:

Hindu		8,99,398
Scheduled Castes		1,21,352
Muslims		2,51,518
Indian Christians		1,22,683
Anglo-Indians		8,787
Parsees		58,813
Sikhs		2,418
Jains		33,281
Buddhists		912
Tribes		4,606
Others		29,847
	Total ..	1,489,883

The area of the Bombay City according to the Census of 1941 was 30 sq. miles.

APPENDIX 3A

Inter-Provincial Immigration And Emigration In India

Variation As Compared With 1921 In The Volume Of Migration Within India

Province or State	Net gain + or loss –	1931		Net gain + or loss –	1921		Variation 1921-31	
		Immigrants	Emigrants		Immigrants	Emigrants	Immigrants	Emigrants
1	2	3	4	5	6	7	8	9
Provinces or States which gain								
Assam ..	+ 1,241,011	1,314,047	73,036	+ 1,140,752	1,216,661	75,909	+ 97,386	– 2,873
Bengal ..	+ 771,936	1,726,370	954,434	1,132,192	1,817,775	685,581	– 91,405	+ 268,853
Burma ..	+ 593,324	617,521	24,197	+ 553,471	572,530	19,059	+ 44,991	+ 5,138
Bombay ..	+ 596,707	1,188,901	592,194	+ 472,023*	1,039,622	567,599*	+ 256,074	+ 318,280*
Central Provinces and Berar.	+ 27,003	649,064	422,061	+ 197,323	603.924	406,601	+ 45,140	+ 15,460
Mysore ..	+ 215,462	340,700	125,238	+ 210,064	309,850	99,786	+ 30,850	+ 25,452
Delhi ..	+ 189,736	259,163	69,427	+ 113,158	182,485	69,327	+ 76,678	+ 100
Baroda ..	+ 127,907	333,077	105,176	+ 10,674	231,880	221,206	+ 101,197	– 16,030
Central India Agency	+ 115,566	598,102	482,536	+ 58,056	544,688	486,632	+ 53,414	– 4,096
Travancore ..	+ 83,919	133,852	49,933	+ 49,732	71,973	22,241	+ 61,879	+ 27,692
Ajmer-Merwara ..	+ 44,029	104,938	60,909	+ 66,033	108,452	42,419	– 3,514	+ 18,490
Cochin ..	+ 41,424	87,214	45,790	+ 15,792	39,689	23,897	+ 47,525	+ 21,893

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APPENDIX 3A—*contd.*

1	2	3	4	5	6	7	8	9
Coorg ..	+ 35,388	38,619	3,231	+ 30,988	33,838	2,850	+ 4,781	+ 381
Baluchistan ..	+ 23,779	66,542	42,763	+ 5,924	66,166	60,242	+ 376	– 17,479
North West Frontier Province.	+ 21,187	111,868	90,681	+ 50,835	118,395	67,560	– 6,527	+ 23,121
Andamans and Nicobars.	+ 13,703	14,255	582	+ 14,080	14,396	316	– 141	+ 236
Provinces or States which Lose								
Sikkim ..	– 4,782	2,403	7,212	– 2,297	1,836	4,133	+ 594	+ 3,079
Gwalior ..	– 14,471	281,350	296,821	+ 632	289,657	289,025	– 8,307	+ 7,796
Jammu and Kashmir	– 33,266	61,189	94,445	– 22,685	61,561	84,246	– 372	+ 10,029
Punjab ..	– 67,792	635,025	702,817	+ 60,940	591,885	530,942	+ 43,140	+ 171,875
Hyderabad ..	– 19,788	312,814	332,602	– 166,326	197,127	363,453	+ 115,687	– 30,851
Western India States Agency.	– 186,890	106,795	293,685			Included against Bombay		
Rajputana ..	– 516,898	329,913	864,811	– 625,650	242,234	8,67,893	+ 87,670	– 21,082
Madras ..	– 888,339	246,892	1,135,231	– 718,183	196,609	914,792	+ 50,283	+ 220,439
United Provinces ..	– 1,063,143	494,308	1,557,451	– 974,642	425,152	1,399,794	+ 69,156	+ 157,657
Bihar and Orisa ..	– 1,291,567	466,563	1,758,130	– 1,567,968	387,068	1,955,036	+ 79,495	– 196,906

*Includes Western India Agency. Includes Punjab States Agency

Note—The figures for provinces include those for the States attached to them except in the case of Madras, where they exclude Cochin and Travancore. Migration figures to and from countries outside British India are excluded.

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APPENDIX 4

Provincial/State Revenue

	Yield (Crores of Rupees)					Share in total revenue (per cent)				
	1921-22	1936-37	1938-39	1944-45	1953-54 (R. E.)	1921-22	1936-37	1938-39	1944-45	1953-54 (R. E.)
	1	2	3	4	5	6	7	8	9	10
Total Revenue	58.48	74.86	76.78	193.87	462.04	100.0	100.0	100.0	100.0	100.0
Land Revenue	29.08	25.96	25.40	30.21	69.20	49.7	34.7	33.1	15.6	15.0
State excise	15.67	13.63	13.08	43.42	44.81	26.8	18.2	17.0	22.4	9.7
Stamps	10.14	10.80	9.53	15.20	23.50	17.3	14.4	12.4	7.8	5.1
Registration	1.07	1.11	1.09	2.39	3.91	1.8	1.5	1.4	1.2	0.9
General Sales Tax ..	....	....	....	7.91	57.25	....	....	....	4.1	12.4
Forests (net)	0.66	0.71	0.63	4.58	10.82	1.1	0.9	0.8	2.4	2.3
Irrigation works for which capital accounts are kept (net).	5.55	7.53	7.57	10.14	8.09	9.5	10.0	9.9	5.2	1.8
Devolution of revenue and grants from the Centre. (—)	9.02	2.67	6.45	36.89	117.92	....	3.6	8.4	19.1	25.6
Share of income-tax assigned to States.	3.09	0.04	1.47	25.75	56.90	5.3	0.1	1.9	13.3	12.3
Share of jute duty assigned to States.	....	2.13	2.51	1.48	....	....	2.8	3.3	0.8	....

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APPENDIX 4—*contd.*

	1	2	3	4	5	6	7	8	9	10
Share of Central excise duties assigned to State.	....	....	....	....	15.94	....	....	....	....	3.5
Grants in aid, etc., from the Centre.	12.11	0.50	2.47	9.66	45.08	..	0.7	3.2	5.0	9.8

Figures for 1921-22 exclude those for Burma but include Sind as part of Bombay. Figures for 1936-37 exclude those for Burma, Sind and N.W.F.P. Figures for 1938-39 and 1944-45 are for nine Provinces excluding Sind and N.W.F.P..

Figures for 1953-54 relate to all Part A, Part B and Six Part C States.

Transfers from funds are excluded, receipts under forests are taken net after deducting entire expenditure from gross receipts, for other public utilities and State undertaking net receipts (after deducting working expenses) are included.

APPENDIX 5

Budgetary Position of the States on Revenue Account

PART 'A' STATES

	1950-51	1951-52	1952-53	1953-54* (R.E.)	1954-55 (B.E.)
Revenue	214.37	315.60	229.32	357.49	367.17
Expenditure	293.08	309.10	329.37	371.64	400.89
Surplus (+) or deficit (–)	(+) 1.29	(+) 6.50	(–) 0.15	(–) 14.15	(–) 33.72
Surplus (+) or deficit (–) (excluding transfers from and to Revenue Reserve Funds).	(–) 3.15	(–) 2.25	(–) 12.01	(–) 20.82	(–) 39.86

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APPENDIX 6

Budgetary Position of the States on Revenue Account

PART 'B' STATES

(Crores of Rupees)

	1950-51	1951-52	1952-53	1953-54 †(R.E.)	1954-55 (B.E.)
Revenue	93 33	106.70	108.12	112.21	121.76
Expenditure	81.93	100.53	105.88	115.85	127.65
Surplus (+) or deficit (–)	(+) 1.45	(+) 6.17	(+) 3.24	(–) 3.64	(–) 5.89
Surplus (+) or deficit (–) (excluding transfers from and to Revenue Reserve Funds).	(+) 1.45	(+) 5.97	(+) 3.24	(–) 3.64	(–) 5.89

† Figures for 1953-54 include budget estimates for the composite State of Madras and revised estimates are available for later six months only.

APPENDIX 7

Central Revenues (Selected Years)

	1921-22		1936-37		1938-39		1944-45		1953-54 (R.E.)	
Total Revenue*	80.00	100	81.45	100	82.90	100	334.40	100	394.34	100
Customs (net)	31.61	39.5	38.11	46.8	40.51	48.9	39.77	11.9	160.00	40.6
Taxes on income (net)	18.74	23.4	15.33	18.8	13.74	16.6	80.52	24.1	69.31	17.6
Corporation tax	.....	....	....	....	2.04	2.5	84.22	25.2	38.40	9.7
Central excise duties (net)	2.80	3.5	13.35	16.4	8.66	10.5	38.14	11.4	78.00	19.8
Salt duty	6.34	7.9	8.81	10.8	8.12	9.8	9.29	2.8	....	....
Commercial Departments—										
Railways (net contribution) ..	(–)9.09	.....	....	....	1.37	1.7	32.00	9.6	7.50	1.9
Posts & Telegraphs (net)	....	.....	0.14	0.2	0.19	0.2	10.25	3.1	2.02	0.5

* Total revenue includes net receipts under opium, irrigation, forests, electricity and road transport schemes.

Figures for 1921-22 and 1936-37 are inclusive of those for Burma. Figures for 1938-39 and 1944-45 relate to undivided India.

APPENDIX 8

Population of the Indian Union by Communities

	Hindus									Muslims		
	Population			Scheduled Castes			Others					
	Persons	Males	Females	Persons	Males	Females	Persons	Males	Females	Persons	Males	Females
	1	2	3	4	5	6	7	8	9	10	11	12
Madras ..	49,841	24,800	25,040	8,152	4,064	4,088	35,095	17,466	17,630	3,927	1,939	1,987
Bombay ..	29,384	15,184	14,200	2,526	1,217	1,256	20,691	10,680	10,011	2,463	1,321	1,142
West Bengal ..	21,837	11,834	10,003	3,520	1,847	1,673	11,206	6,160	5,046	5,544	3,011	2,533
United Provinces ..	56,346	29,542	26,804	11,931	6,128	5,803	34,923	18,411	16,512	8,692	4,574	4,117
East Punjab ..	12,697	6,853	5,844	1,028	540	487	4,489	2,435	2,053	4,427	2,380	2,047
Bihar ..	36,546	18,325	18,220	4,344	2,135	2,209	22,263	11,252	11,010	4,719	2,340	2,379
C.P. & Berar ..	19,948	9,845	9,802	3,310	1,639	1,671	10,920	5,491	5,428	811	425	387
Assam ..	7,685	4,068	3,617	377	203	174	2,885	1,564	1,321	1.754	939	815
Orissa ..	13,768	6,706	7,062	1,865	906	956	8,187	3,963	4,224	166	81	85
Ajmer ..	589	310	279	1	0.5	0.5	380	198	182	90	49	41
Andaman & Nicobar Islands.	34	21	12	....	....	....	8	6	3	8	6	2
Bilaspur ..	110	57	53	16	8	7	93	48	45	1	0.8	0.6

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APPENDIX 8—*contd.*

		1	2	3	4	5	6	7	8	9	10	11	12
Bhopal	..	785	410	375	187	96	91	410	215	195	110	59	51
Coorg	..	169	92	76	26	15	11	105	56	49	14	9	6
Cutch	..	501	239	262	39	19	20	279	135	144	117	57	60
Delhi	..	918	535	383	123	69	53	445	262	182	305	176	128
Himachal Pradesh	..	935	495	441	229	120	109	672	356	316	29	16	13
Manipur	..	512	249	263	...	...	...	304	148	156	30	15	15
Tripura	..	513	272	241	12	6	6	336	178	158	124	66	57
Vindya Pradesh	..	3,569	1,819	1,750	399	202	197	2,851	1,455	1,397	95	49	46
Madhya Bharat	..	7,141	3,734	3,407	437	221	216	5,025	2,648	2,377	475	251	224
P.E.P.S.U.	..	3,424	1,868	1,557	214	112	102	978	530	448	899	483	416
Rajasthan	..	13,085	6,868	6,217	...	...	...	9,878	5,196	4,682	1,256	663	593
Saurashtra	..	3,556	1,809	1,747	242	122	120	2,737	1,402	1,336	436	220	226
Travancore Cochin	..	7,493	3,742	3,751	537	269	268	3,902	1,931	1,971	543	276	268
Hyderabad	..	16,339	8,347	7,992	2,928	1,487	1,442	10,382	5,303	5,073	2,097	1,080	1,017
Kashmir	..	4,022	2,130	1,892	113	61	53	694	369	325	3,074	1,627	1,446
Mysore	..	7,329	3,763	3,566	1,405	723	682	5,282	2,702	2,580	485	258	227

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APPENDIX 9

Statistics of Chief Castes

Caste	Strength	Where chiefly found
Agri	265,285	Bombay.
Ahar, Ahir, Gopi, Goshi, Goala, Golla, Gowari, Gaura, Kavundan Idaiyan.	14,170,032	Most Provinces.
Ahom	249,434	Assam
Arain, Kunjra, Koeri, Kachhi, Murao.	5,048,849	Most Provinces.
Arora, Bhansali, Lohana ..	1,499,407	Baluchistan, Bombay, N.W.F.P. Punjab, Jammu and Kashmir, W. I. States.
Babhan, Bhuinhar ..	1,113,541	Bihar and Orissa, U.P.C.P.
Baidya	110,739	Bengal.
Baiga, Bhaina, Binjwar, Bharia, Kadar, Bhumia, Bhunjia, Bhuiya,Ghatwar,Naiya, Pao.	1,050,760	Bengal, Bihar and Orissa, C.P., C.I., Rajputana, Sikkim.
Bairagi	838,285	Most Provinces.
Baloch	1,333,215	Baluchistan, Bombay, Punjab, N.W.F.P.
Baniya, Bhatia, Chetti, Khatri, Kamati (Vaishya).	5,176,383	Most Provinces.
Banjara, Lumbadi, Labana, Lamani.	951,022	Bombay, C.P., C.I., Gwalior-Hyderabad, Mysore, Raj putana.
Baria, Bhalia, Chodhra, Gedia, Khant, Koli, Kotwal, Naikda, Patclia, Patanwadia, Thakarda, Talabda, Valvi.	3,418,643	Most Provinces.
Bauri, Bagdi	1,671,481	Bengal, Bihar and Orissa, Rajputana.
Bawaria, Bavuri, Baori, Bagari, Vagri, Badhik.	309,720	Most Provinces.
Bayar, Barmanu, Dhangar, Musahar.	811,746	Bengal, Bihar and Orissa, U.P., Central India.
Bedar, Boya ..	991,536	Bombay, Madras, Hyderabad, C. P.

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APPENDIX 9—*contd.*

Caste	Strength	Where chiefly found
Bhandari. Idiga, Iruvan, Siyal ..	1,253,403	Bihar and Orissa, Cochin, Mysore, Madras, Travancore, Rajputana, Baroda.
Bhangi	797,599	Ajmer-Merwara, Bombay, U.P., Baroda, Gwalior, Rajputana, W. I. States.
Bharwad, Dhangar, Gadariya Kuruba.	1,816,283	Most Provinces.
Bhat, Barhmabhatt, Charan Jasondhi.	397,274	Most Provinces.
Bhatra, Pardhana, Parja ..	353,183	Madras, C.P. and Berar.
Bhil, Barela Bhilala. Dhanka, Mankar, Mavchi, Pathia, Rathia, Tadvi.	1,454,144	Most Provinces.
Bhisti, Bhoi, Dhimar, Jhinwar, Kahar, Machhi, Tiyar.	3,575,941	Most Provinces.
Bohra	212,752	Bombay, Baroda, C.I.,Gwalior, C.P., Rajputana, W.I. States Travancore.
Brahman	15,207,277	Most Provinces.
Brahui	224,415	Baluchistan, Bombay.
Chamar, Khalpa, Samagara ..	12,195,516	Most Provinces.
Chasa, Raju ..	835,236	Bengal, Bihar and Orissa.
Chasi, Kajbartta (Mahisya) ..	2,381,266	Bengal.
Chuhra	721,981	N.W.F. Prov. Punjab, Delhi.
Dhanuk, Kandra ..	758,671	Bihar and Orissa, Bengal, C.P., C.I., Ajmer-Merwara, Rajputana, Delhi, Gwalior.
Dhobi, Parit, Vanran, Velutte-dan.	3,161,428	Most Provinces.
Dom, Dombar, Bansphor Dharkar, Dholi.	907,776	Most Provinces.
Dhor, Chakkliyan ..	671,926	Bombay, C.P., Madras, Cochin, Travancore, W.I. States.
Dusadh	1,400,878	Bengal, Bihar and Orissa, U.P.

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APPENDIX 9—*contd.*

Caste	Strength	Where chiefly found
Fakir	820,577	Punjab, U.P., C.P., Rajputana C.I., Agency Gwalior.
Garo, Hajong, Kachari, Mech, Rabha.	695,648	Assam, Bengal.
Gond, Dhanwar, Kalota, Kamar, Karwar, Kolam, Kondh, Konda, Dora, Koya, Maria, Muria Nagarchi.	4,719,222	Andamans and Nicobars, Bengal, Bihar and Orissa, Bombay, C.P., and Berar, Madras, U.P. C.I. Hyderabad, Gwalior, Rajputana.
Gujar	2,430,669	Ajmer-Merwara, Bombay, C.P. and Berar, Delhi, N.W. Frontier, Punjab, U.P., C.I., Rajputana.
Guria, Halwai ..	246,583	Bihar and Orissa, U.P., C.I., Rajaputana, Gwalior.
Hajjam, Ambattan, Bhandari, Kelashi, Mhali, Nadig, Nai "Naibrahman", Napit, Nhavi, Pandithar, Vellakat-talavan.	3,725,860	Most Provinces.
Hari	418,830	Assam, Bengal, Bihar and Orissa Madras.
Jat	8,377,819	N.W. Frontier, Punjab, U.P. Kashmir, Rajputana.
Jogi	111,586	Gwalior, C.I., Agency, Rajputana, Jammu and Kashmir.
Kaikolan	419,078	Madras, Cochin, Travancore.
Kalar	1,017,179	Ajmer-Merwara, Bengal, C.P. and Berar, U.P., Baroda, C.I., Gwalior, Hyderabad, Rajputana, Sikkim.
Kallavan, Maravan ..	948,630	Madras, Cochin, Travancore.
Kamalan, "Viswabrahman", Panchal.	7,735,393	Most Provinces.
Karen	1,367,673	Burma.
Kayastha, Karan, Prabhu ..	2,946,228	Most Provinces.

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APPENDIX 9—*contd.*

Caste	Strength	Where chiefly found
Kewat, Kaibartta ..	1,813,278	Assam, Bengal, Bihar and Orissa, C.P. and Berar, U.P.
Kolita	109,250	Bihar and Orissa, C.P. and Berar.
Koshti, Devang	921,201	Bengal, Bombay, C. P. and Berar, Madras, C.I., Hyderabad, Mysore, Gwalior, Cochin.
Khandayat, Paik ..	1,060,587	Bihar and Orissa, Bengal, Madras.
Kisan	431,044	Bengal, Bihar and Orissa, U.P.
Khasi, Synteng	232,595	Assam, Andamans and Nicobars.
Khatik, Chick	412,520	U.P., C.P., Bengal, Delhi, Ajmer-Merwara, Baluchistan Hyderabad, Rajputana Gwalior.
Kori, Katia, Balai, Chaupal, Jugi.	2,165,953	Most Provinces.
Korku, Korwa	246,765	Bihar and Orissa, C.P., C.I., U.P.
Kumhar, Kusavan ..	3,580,143	Most Provinces.
Kunbi, Karbi, Kurmi, Kshatriya, Kapu, Kapewar, Raddi, Vakkaliga, Vellala.	11,082,108	Most Provinces.
Labbai	374,829	Coorg, Madras, Mysore, Travancore.
Lodhi	1,742,470	C.P. and Berar, U.P., C.I., Bengal, Delhi, Rajputana, Hyderabad, Gwalior.
Lushei, Sokte, Thado ..	192,520	Assam, Bengal, Burma.
Mahar, Mehra, Dhed, Vankar, Holiya, Pulayan, Cheruman.	4,729,405	Most Provinces.
Mala	852,050	C.P. and Berar, Madras.
Mali, Phulmali, Saini, Malakar	2,332,143	Most Provinces.

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APPENDIX 9—*contd.*

Caste	Strength	Where chiefly found
Mallah, Goriya, Gonrhi ..	894,951	Bengal, Bihar and Orissa, U.P., N.W. Frontier, C.I., Gwalior, Rajputana,
Mang, Megh, Meghwal, Madgi, Madiga.	2,556,765	Most Provinces.
Mapilla	139,621	Travancore, Cochin, Coorg, Burma.
Maratha	6,113,061	Bombay, C.P. and Berar, Gwalior, Hyderabad, Baroda, Mysore, C.I.
Meithei	330,545	Assam, Burma.
Mina, Meo	1,110,479	Most Provinces.
Mirasi	283,637	Punjab, N.W. Frontier, Rajputana, Ajmer-Merwara, Jammu and Kashmir, C.I., Gwalior.
Mochi, Jingar, Dabgar ..	1,026,405	Most Provinces.
Momin	3,122,100	Most Provinces.
Munda, Mawasi, Ho, Kol, Kharwar, Kharia, Bhogia, Bhumji, Kora.	2,315,276	Bihar and Orissa, Bengal, C.P. and Berar, C.I., U.P., Rajputana.
Naga	272,529	Assam, Burma, Gwalior.
Namasudra	2,265,476	Assam, Bengal.
Nayar	1,550,641	Madras, Travancore, Cochin.
Nepali	371,906	Most Provinces.
Nuniya, Od, Beldar, Bind, Rehgar.	561,926	Most Provinces.
Oraon	1,021,334	Bengal, Bihar and Orissa, C.P. and Berar.
Pallan	825,224	Madras.
Pan, Panka, Ganda, Paidi, Baraik.	1,241,322	Bengal, Bihar and Orissa, C.P. and Berar, Madras, C.I.
Paraiyan, Turi	1,277,365	Madras, Bombay, Baroda, Cochin, W.I. States, Coorg.

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APPENDIX 9—*concld.*

Caste	Strength	Where chiefly found
Pasi, Arakh	1,743,166	Bihar and Orissa, U.P., Bengal, C. I.
Oinjara, Sarahira, Dhunia ..	565,254	U. P., Bombay, Rajputana Gwalior, N.W. Frontier, Punjab, C.I., Mysore, W.I. States, Jammu and Kashmir.
Rajbhar, Rajjhar, Rajwar Bhar.	630,708	U. P., Bihar and Orissa, Bengal, C.P. and Berar.
Rajput	10,743,001	Most Provinces.
Santal, Saunta, Karmali ..	2,524,472	Bengal, Bihar and Orissa, C.I.
Saun	480,131	U.P., C.I.
Sawara, Saonr, Savar, Saharia	675,628	Bihar and Orissa, C.P., Madras, U. P., C. I., Rajputana, Gwalior.
Shaha, Sunri	533,825	Bengal, Madras, Sikkim.
Shan	900,204	Burma.
Silpkar	333,036	U.P.
Singpho, Kachin ..	156,253	Burma, Assam.
Talavla, Dubla	229,190	Bombay, Baroda, W.I. States.
Tamboli, Barai	452,423	Bengal, U.P., C.I., Rajputana, Gwalior, Baroda.
Tankkshatriya	926,274	Most Provinces.
Tanti, Tatwa, Bhulia, Chadar, Sali.	1,132,563	Bengal, Bihar and Orissa, Bombay, C.P. and Berar.
Telaga	1,669,559	C.I.
Teli, Tili, Chakkan, Ganig, Chanchi, Vaniyan.	5,024,496	Madras, Hyderabad, Coorg.
Thakkar, Rathi, Rawat, Kanet, Ghirath.	714,503	Bombay, Punjab, C.I., Gwalior, Jammu and Kashmir, Rajputana.

APPENDIX 10

Relative Population of Different Communities

Distribution by Religion of 10,000 persons in India, in the Provinces and in the States, 1921 and 1931

Province etc.		Year	Hindu	Muslim	Buddhist	Tribal	Christian	Sikh	Jain	Others
1		2	3	4	5	6	7	8	9	10
India	..	1921	6,856	2,174	366	309	150	103	37	5
		1931	6,824	2,216	365	236	179	124	36	20
Provinces	..	1921	6,606	2,407	465	280	123	96	18	5
		1931	6,548	2,469	468	213	142	118	17	25
Ajmer-Merwara	..	1921	7,356	2,055	....	96	112	4	372	5
		1931	7,755	1,734	....	27	124	6	348	6
Andamans and Nicobars	..	1921	3,278	1,515	979	3,387	586	144	....	111
		1931	2,586	2,280	988	3,379	496	220	....	51
Assam	..	1921	5,434	2,896	17	1,479	168	1	5	..
		1931	5,720	3,196	17	825	235	3	3	1
Baluchistan	..	1921	920	8,731	4	....	159	182	....	4
		1931	894	8,744	1	1	174	181	1	4
Bengal	..	1921	4,327	5,399	57	181	31	....	3	2
		1931	4,304	5,487	63	105	36	2	2	1
Bihar and Orissa	..	1921	8,284	1,085	....	553	76	1	1	....
		1931	8,231	1,132	....	544	91	1	1	....

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APPENDIX 10—*contd.*

1	2	3	4	5	6	7	8	9	10
Bombay ..	1921	7,658	1,974	1	64	137	4	111	51
	1931	7,605	2,039	1	59	145	10	92	49
Burma	1921	368	380	8,506	534	195	4	1	12
	1931	390	399	8,430	444	226	7	1	103
C.P. and Berar ..	1921	8,354	405	...	1,160	30	1	49	1
	1931	8,601	440	...	872	33	3	50	1
Coorg	1921	7,733	795	1	1,265	194	...	12	...
	1931	8,939	844	...	...	210	...	5	2
Delhi	1921	6,569	2,904	...	...	273	57	96	1
	1931	6,285	3,253	1	...	267	101	84	9
Madras ..	1921	8,864	671	...	137	322	...	6	...
	1931	8,831	707	...	75	380	...	7	...
N.W.F.P.	1921	666	9,162	...	...	47	125	...	...
	1931	590	9,184	...	...	51	175	...	...
Punjab	1921	3,181	5,533	1	...	159	1,109	17	...
	1931	2,684	5,655	2	...	176	1,299	15	169
United Provinces ..	1921	8,509	1,428	...	...	44	3	15	1
	1931	8,440	1,484	...	...	42	10	14	...
States	1921	7,748	1,343	12	415	250	126	104	2
	1931	7,771	1,347	12	316	307	141	101	5

N.B.—A blank indicates that the number per 10,000 is fractional ; 0 indicates that none at all were returned.

In the case of Assam the Khasi States are included in the 1921 figures; Otherwise all States are excluded from Provinces.

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PART III

ON HERO AND HERO-WORSHIP

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6

RANADE, GANDHI AND JINNAH

Address delivered on the 101st Birthday Celebration
of
MAHADEO GOVIND RANADE
held on
the 18th January 1943
in
the Gokhale Memorial Hall, Poona

First Published : 1943

Reprinted from the first edition of 1943

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My dear Manohar,

Pray Excuse me for not replying to your letter of the 19th March earlier than to-day. I am glad you liked my address on Ranade. I share your regret over the omission of the part dealing with Phule. I am however far from losing sight of its importance. I will take some occasion to enlarge it and publish it. I don't know what Thackers have done with Ranade. I have not had any news from them. I am busy now with the new edition of Pakistan. I am writing three more chapters. They will be very short. I propose to set out in those chapters my conclusions. I thank you

Facsimile of Dr. Ambedkar's handwriting from a letter addressed to Prof. M. B. Chitnis

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RANADE, GANDHI AND JINNAH

PREFACE

The Deccan Sabha of Poona invited me to deliver an address on the 101st birthday of the late Justice Mahadev Govind Ranade which it proposed to celebrate and which fell on the 18th January 1940. I was not very willing to accept the invitation. For I knew that my views on social and political problems, a discussion of which could not be avoided in a discourse on Ranade, would not be very pleasing to the audience and even perhaps to the members of the Deccan Sabha. In the end I accepted their invitation. At the time when I delivered the address I had no intention of publishing it. Addresses delivered on anniversaries of great men are generally occasional pieces. They do not have much permanent value. I did not think that my address was an exception to this. But I have some troublesome friends who have been keen on seeing the whole of it in print and have been insisting upon it. I am indifferent to the idea. I am quite content with the publicity it has received and I have no desire to seek more. At the same time if there are people who think that it is worthy of being rescued from falling into oblivion, I do not see any reason for disappointing them.

The address as printed differs from the address as delivered in two respects. Section X of the address was omitted from the address as delivered to prevent the performance going beyond reasonable time. Even without it, it took one hour and a half to deliver the address. This is one difference. The other difference lies in the omission of a large portion of Section VIII which was devoted to a comparison of Ranade with Phule. For the omission there are

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two reasons. In the first place, the comparison was not sufficiently full and detailed to do justice to the two men ; in the second place, when the difficulties of finding enough paper compelled me to sacrifice some portion of the address this appeared to be best offering.

The publication of the address is taking place under peculiar circumstances. Ordinarily reviews follow publication. In this case the situation is reversed. What is worse is that the reviews have condemned the address in scathing terms. This is a matter primarily for the publishers to worry about. I am happy that the publisher knows the risk and he takes it. Nothing more need be said about it except that it supports the view taken by my friends that the address contains matter which is of more than ephemeral value. As for myself I am not in the least perturbed by the condemnation of this address by the Press. What is the ground for its condemnation ? And who has come forward to condemn it ?

I am condemned because I criticized Mr. Gandhi and Mr. Jinnah for the mess they have made of Indian politics, and that in doing so I am alleged to have shown towards them hatred and disrespect. In reply to this charge what I have to say is that I have been a critic and I must continue to be such. It may be I am making mistakes but I have always felt that it is better to make mistakes than to accept guidance and direction from others or to sit silent and allow things to deteriorate. Those who have accused me of having been actuated by feelings of hatred forget two things. In the first place this alleged hatred is not born of anything that can be called personal. If I am against them it is because I want a settlement. I want a settlement of some sort and I am not prepared to wait for an ideal settlement. Nor can I tolerate anyone on whose will and consent settlement depends to stand on dignity and play the Grand Moghul. In the second place, no one can hope to make any effective mark upon his time and bring the aid that is worth bringing to great principles and struggling causes if he is not strong in his love and his hatred. I hate injustice, tyranny, pompousness and humbug, and my hatred embraces all those who are guilty of them. I want to tell my critics that I regard my feelings of hatred as a real force. They are only the reflex of the love I bear for the causes I believe

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in and I am in no wise ashamed of it. For these reasons I tender no apology for my criticism of Mr. Gandhi and Mr. Jinnah, the two men who have brought India's political progress to a standstill.

The condemnation is by the Congress Press. I know the Congress Press well. I attach no value to its criticism. It has never refuted my arguments. It knows only to criticise, rebuke and revile me for everything I do and to misreport, misrepresent and pervert everything I say. Nothing, that I do, pleases the Congress Press. This animosity of the Congress Press towards me can to my mind not unfairly, be explained as a reflex of the hatred of the Hindus for the Untouchables. That their animosity has become personal is clear from the fact that the Congress Press feels offended for my having criticised Mr. Jinnah who has been the butt and the target of the Congress for the last several years.

However strong and however filthy be the abuses which the Congress Press chooses to shower on me I must do my duty. I am no worshipper of idols. I believe in breaking them. I insist that if I hate Mr. Gandhi and Mr. Jinnah—I dislike them, I do not hate them—it is because I love India more. That is the true faith of a nationalist. I have hopes that my countrymen, will some day learn that the country is greater than the men, that the worship of Mr. Gandhi or Mr. Jinnah and service to India are two very different things and may even be contradictory of each other.

22 Prithviraj Road
New Delhi
15th March 1943

B. R. AMBEDKAR

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RANADE, GANDHI AND JINNAH

I

I must tell you that I am not very happy over this invitation. My fear is that I may not be able to do justice to the occasion. When a year ago the Centenary of Ranade's Birthday was celebrated in Bombay, the Rt. Hon'ble Srinivas Shastri was chosen to speak. For very many reasons he was well-qualified for performing the duty. He can claim to be a contemporary of Ranade for a part of his life. He had seen him at close range and was an eye witness of the work to which Ranade devoted his life. He had opportunity to judge him and compare him with his co-workers. He could therefore expound his views about Ranade with a sense of confidence and with intimacy born out of personal touch. He could cite an anecdote and illuminate the figure of Ranade before his audience. None of these qualifications are available to me. My connection with Ranade is of the thinnest. I had not even seen him. There are only two incidents about Ranade which I can recall. First relates to his death. I was a student in the first standard in the Satara High School. On the 16th January 1901 the High School was closed and we boys had a holiday. We asked why it was closed and we were told that because Ranade was dead. I was then about 9 years old. I knew nothing about Ranade, who he was, what he had done ; like other boys I was happy over the holiday and did not care to know who died. The second incident which reminds me of Ranade is dated much later than the first. Once I was examining some bundles of old papers belonging to my father when I found in them a paper which purported to be a petition sent by the Commissioned and non-Commissioned officers of the Mahar Community to the Government of India against the orders issued in 1892 banning the recruitment of the Mahars in the Army. On inquiry I was told that this was a copy of a petition which was drafted by Ranade to help the aggrieved Mahars to obtain redress. Beyond these two incidents I have nothing to recall of Ranade. My knowledge about him is wholly impersonal. It is derived from what I have read about

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his work and what others have said about him. You must not expect me to say anything of a personal character which will either interest, you or instruct you. I propose to say what I think of him as a public-man in his days and his place in Indian politics today.

II

As you are well aware, there are friends of Ranade who do not hesitate to describe him as a great man and there are others who with equal insistance deny him that place. Where does the truth lie? But this question must, I think, wait upon another, namely, is history the biography of great men ? The question is both relevant as well as important. For, if great men were not the makers of history, there is no reason why we should take more notice of them than we do of cinema stars. Views differ. There are those who assert that however great a man may be, he is a creature of Time—Time called him forth, Time did everything, he did nothing. Those who hold this view, in my judgment, wrongly interpret history. There have been three different views on the causes of historical changes. We have had the Augustinian theory of history, according to which history is only an unfolding of a divine plan in which mankind is to continue through war and suffering until that divine plan is completed at the day of judgment. There is the view of Buckle who held that history was made by Geography and Physics. Karl Marx propounded a third view. According to him history was the result of economic forces. None of these three would admit that history is the biography of great men. Indeed they deny man any place in the making of history. No one except theologians accepts the Augustinian theory of history. As to Buckle and Marx, while there is truth in what they say, their views do not represent the whole truth. They are quite wrong in holding that impersonal forces are everything and that man is no factor in the making of history. That impersonal forces are a determining factor cannot be denied. But that the effect of impersonal forces depends on man must also be admitted. Flint may not exist everywhere. But where it does exist, it needs man to strike flint against flint to make fire. Seeds may not be found everywhere. But where they do exist, it needs man to ground it to powder and make it a delectable and nutritious paste and thereby lay the foundation of agriculture. There are many areas devoid of metals. But where they do exist, it needs a man to make instruments and machines which are the basis of civilization and culture.

Take the case of social forces. Various tragic situations arise. One such situation is of the type described by Thayer in his biography of Theodore Roosevelt when he says :

> "There comes a time in every sect, party or institution when it stops growing, its arteries harden, its young men see no visions, its old men dream no dreams ; it lives on the past and desperately tries to perpetuate

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the past. In politics when this process of petrifaction is reached we call it Bourbonism and the sure sign of the Bourbon is that, being unconscious that he is the victim of sclerosis, he sees no reason for seeking a cure. Unable to adjust himself to changed and new conditions he falls back into the past as an old man drops into his worm-out arm-chair."

The other kind of situation is not one of decay but of destruction. The possibilities of it are always present whenever there is a crisis. The old ways, old habits and old thoughts fail to lift society and lead it on. Unless new ones are found there is no possibility of survival. No society has a smooth sailing. There are periods of decay and possibilities of destruction through which every society has to pass. Some survive, some are destroyed, and some undergo stagnation and decay. Why does this happen? What is the reason that some survive ? Carlyle has furnished an answer. He puts in his characteristic way:

"No time need have gone to ruin, could it have found a great enough, a man wise and good enough; Wisdom to discern truly what the Time wanted, valour to lead it on to the right road thither, these are the salvation of any Time."

This seems to me to be quite a conclusive answer to those who deny man any place in the making of history. The crisis can be met by the discovery of a new way. Where there is no new way found, society goes under. Time may suggest possible new ways. But to step on the right one is not the work of Time. It is the work of man. Man therefore is a factor in the making of history and that environmental forces whether impersonal or social if they are the first are not the last things.

III

Who can be called a great man ? If asked of military heroes such as Alexander, Attila, Caesar and Tamerlane, the question is not difficult to answer. The militarymen make epochs and effect vast transitions. They appal and dazzle their contemporaries by their resounding victories. They become great without waiting to be called great. As the lion is among the deer, so they are among men. But it is equally true that their permanent effect on the history of mankind is very small. Their conquests shrink, and even so great a General as Napoleon after all his conquests left France smaller than he found it. When viewed from a distance they are seen to be only periodical, if necessary, incidents in the world's movement, leaving no permanent mark on the character of the society in which they live The details of their career and their moral may be interesting, but they do not affect society and form no leaven to transform or temper the whole.

The answer becomes difficult when the question is asked about a person who is not a military general. For, it then becomes a question of tests, and different people have different tests.

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Carlyle the apostle of Hero Worship had a test of his own. He laid it down in the following terms :

> "But of great man especially, of him I will venture to assert that it is incredible he should have been other than true. It seems to me the primary foundation of him, this... No man adequate to do anything, but is first of all in right earnest about it; what I call a sincere man. I should say *sincerity,* a deep, great genuine sincerity, is the first characteristic of all men in any way heroic."

Carlyle was of course particular in defining his test of sincerity in precise terms, and in doing so he warned his readers by defining what his idea of sincerity was—

> "Not the sincerity that calls itself sincere : Ah no," he said, "that is a very poor matter indeed ; — a shallow, braggart, conscious sincerity ; oftenest self-conceit mainly. The great man's sincerity is of the kind he cannot speak of, is not conscious of : Nay, I suppose, he is conscious rather of *insincerity* ; for what man can walk accurately by the law of truth for one day ? No, the great man does not boast himself sincere, far from that; perhaps does not ask himself if he is so : I would say rather, his sincerity does not depend on himself ; he cannot help being sincere!"

Lord Rosebery proposed another test when dealing with Napoleon—who was as great an Administrator as a General. In answering the question, Was Napoleon Great ? Rosebery used the following language :

> "If by 'great' be intended the combination of moral qualities with those of intellect, great be certainly was not. But that he was great in the sense of being extraordinary and supreme we can have no doubt. If greatness stands for natural power, for predominance, for something human beyond humanity, then Napoleon was assuredly great. Besides that indefinable spark which we call genius, he represents a combination of intellect and energy which has never perhaps been equalled, never certainly surpassed."

There is a third test, suggested by the philosophers or, to be more accurate, by those who believe in divine guidance of human affairs. They have a different conception of what is a great man. To summarise the summary of their view, as given by Rosebery, a great man is launched into the world, as a great natural or supernatural force, as a scourge and a scavenger boon to cleanse society and lead it on to the right path who is engaged in a vast operation, partly positive, mainly negative, but all relating to social regeneration.

Which of these is the true test ? In my judgment all are partial and none is complete. Sincerity must be the test of a great man. Clemenceau once said that most statesmen are rogues. Statesmen are not necessarily great men,

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and obviously those on whose experience he founded his opinion must have been those wanting in sincerity. Nonetheless no one can accept that sincerity is the primary or the sole test. For sincerity is not enough. A great man must have sincerity. For it is the sum of all moral qualities without which no man can be called great. But there must be something more than mere sincerity in a man to make him great. A man may be sincere and yet he may be a fool, and a fool is the very antithesis of a great man. A man is great because he finds a way to save society in its hours of crisis. But what can help him to find the way ? He can do so only with the help of intellect. Intellect is the light. Nothing else can be of any avail. It is quite obvious that without the combination of sincerity and intellect no man can be great. Is this enough to constitute a great man? At this stage we, must, I think, make a distinction between an eminent individual and a great man. For I am certain that a great man is something very different from an eminent individual. Sincerity and intellect are enough to mark out an individual as being eminent as compared to his fellows. But they arc not enough to rake him to the dignity of a great man. A great man must have something more than what a merely eminent individual has. What must be that thing ? Here comes the importance of the philosopher's definition of a great man. A great man must be motivated by the dynamics of a social purpose and must act as the scourge and the scavenger of society. These axe the elements which distinguish an ominent individual from a great man and constitute his title-deeds to respect and reverence.

IV

Was Ranade a great man ? He was of course great in his person. Vast in physique—he could have been called "Your Immense" as the Irish servant who could not pronounce Your Eminence used respectfully to call Cardinal Wiseman—his master. He was a man of sanguine temperament, of genial disposition and versatile in his capacity. He had sincerity which is the sum of all moral qualities and his sincerity was of the sort which was prescribed by Carlyle. It was not a conscious "braggart sincerity". It was the natural sincerity, a constitutional trait and not an assumed air. He was not only big in his physique and in his sincerity, he was also big in intellect. Nobody can question that Ranade had intellect of a high calibre. He was not merely a lawyer and a judge of the High Court, he was a first class economist, a first class historian, a first class educationist and a first class divine. He was not a politician. Perhaps it is good that he was not. For if he had been, he might not have been a great man. As Abraham Lincoln said, "Politicians are a set of men who have interests aside from the interests of the people and who, to say the most of them are taken as a mass, at least one long step removed from honest men." Ranade though not a politician was a profound student of politics. Indeed it would be difficult to find in the history of India any man who could come up to Ranade in the width of his

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learning, the breadth of his wisdom and the length of his vision. There was no subject which he did not touch and in which he did not acquire profundity. His reading was on the scale of the colossal and every inch he was a scholar. He was great not merely by the standard of his Time, but he was great— measured by any standard. As I have said no claim for being a great man can rest on the foundation of sincerity and intellect either singly or in combination. Ranade could not be called great if he had these two qualities and no more. His title to being a great man must rest upon the social purposes he served and on the way he served them. On that there can be no doubt. Ranade is known more as a social reformer than as a historian, economist or educationist. His whole life is nothing but a relentless campaign for social reform. It is on his role as a social reformer that this title to being a great man rests. Ranade had both the vision and the courage which the reformer needs, and in the circumstances in which he was born his vision was no small a virtue than his courage. That he developed a vision of the Prophet—I am using the word in the Jewish sense—cannot but be regarded as a matter of surprise if the time in which he was born is taken into account. Ranade was born in 1842 some 24 years after the battle of Kirkee which brought the Maratha Empire to an end. The downfall of the Maratha Empire evoked different feelings among different people. There were men like Natu who served as accessories before the fact. There were some who played the part of accessories after the fact, inasmuch as they were happy that the cursed rule of the Brahmin Peshwa was brought to an end. But there can be no doubt that a large majority of the people of Maharashtra were stunned by the event. When the whole of India was enveloped by the advancing foreign horde and its people being subjugated piece by piece, here in this little corner of Maharashtra lived a sturdy race who knew what liberty was, who had fought for it inch by inch and established it over miles and miles. By the British conquest they had lost what was to them a most precious possession. One can quite imagine how the best intellect of Maharashtra had its mind utterly confounded and its horizon fully and completely darkened. What could be the natural reaction to so great a catastrophe? Can it be other than resignation, defeatism and surrender to the inevitable? How did Ranade react? Very differently. He held out the hope that the fallen shall rise. Indeed he developed a new faith on which this hope was founded. Let me quote his own words. He said :

> "I profess implicit faith in two articles of my creed. This country of ours is the true land of promise. This race of ours is the chosen race."

He did not rest quiet by merely enunciating this new Mosaic Gospel of hope and confidence. He applied his mind to the question of the realization of this hope. The first requisite was of course a dispassionate analysis of the causes of this downfall. Ranade realized that the downfall was due to certain weaknesses in the Hindu social system and unless these weaknesses were

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removed the hope could not be realized. The new gospel was therefore followed by a call to duty. That duty was no other than the duty to reform Hindu society. Social reform became therefore the one dominant purpose of his life. He developed a passion for social reform and there was nothing he did not do to promote it. His methods included meetings, missions, lectures, sermons, articles, interviews, letters—all carried, on with an unrelenting zeal. He established many societies. He founded many journals. But he was not content with this. He wanted something more permanent, something more systematic for promoting the cause of social reform. So he founded the Social Conference, an All-India Organization which ran as an adjunct to the Indian National Congress. Year after year the Conference met to discuss the social ills and to find the ways of remedying them, and year after year Ranade attended its annual sessions as though it was a pilgrimage and fostered the cause of social reform.

In fostering the cause of social reform Ranade showed great courage. Many people of this generation will perhaps laugh at such a claim. Courting prison has become an act of martyrdom in India. It is regarded both as a patriotic act and also as an act of courage. Most people who would otherwise be beneath notice and in whose case it could rightly be said that they were scoundrels who had taken to politics as their last refuge, have by going to prison become martyrs and have acquired a name and fame which, to say the least, is quite astounding. There would be some substance in this view, if prison life involved the rigours to which men like Tilak and those of his generation had been subjected. Prison life today has lost all its terrors. It has become a mere matter of detention. Political prisoners are no longer treated as criminals. They are placed in a separate class. There are no hardships to suffer, there is no reputation to lose and there is no privation to undergo. It calls for no courage. But even when prison life had, as in the time of Mr. Tilak, its rigours the political prisoners could make no claim to greater courage than a social reformer. Most people do not realize that society can practise tyranny and oppression against an individual in a far greater degree than a Government can. The means and scope that are open to society for oppression are more extensive than those that are open to Government, also they are far more effective. What punishment in the penal code is comparable in its magnitude and its severity to excommunication ? Who has greater courage—the social reformer who challenges society and invites upon himself excommunication or the political prisoner who challenges Government and incurs sentence of a few months or a few years imprisonment ? There is also another difference which is often lost sight of inestimating the courage shown by the social reformer and the political patriot. When the social reformer challenges society there is nobody to hail him a martyr. There is nobody even to befriend him. He is loathed and shunned. But when

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the political patriot challenges Government he has whole society to support him. He is praised, admired and elevated as the saviour. Who shows more courage—The social reformer who fights alone or the political patriot who fights under the cover of vast mass of supporters ? It would be idle to deny that Ranade showed courage in taking up the cause of social reform. Indeed he showed a high degree of courage. For let it be remembered that he lived in times when social and religious customs however gross and unmoral were regarded as sacrosanct and when any doubt questioning their divine and moral basis was regarded not merely as heterodoxy but as intolerable blasphemy and sacrilege.

V

His path as a reformer was not smooth. It was blocked from many sides. The sentiments of the people whom he wanted to reform were deeply rooted in the ancient past. They held the belief that their ancestors were the wisest and the noblest of men, and the social system which they had devised was of the most ideal character. What appeared to Ranade to be the shames and wrongs of the Hindu society were to them the most sacred injunctions of their religion. This was the attitude of the common man. The intelligentsia was divided into two schools—a school which was orthodox in its belief but unpolitical in its outlook, and a school which was modern in its beliefs but primarily political in its aims and objects. The former was led by Mr. Chiplunkar and the latter by Mr. Tilak. Both combined against Ranade and created as many difficulties for him as they could. They not only did the greatest harm to the cause of social reform, but as experience shows they have done the greatest harm to the cause of political reform in India. The unpolitical or the orthodox school believed in the Hegelian view—it is a puzzle to me—namely to realize the ideal and idealize the real. In this it was egregiously wrong. The Hindu religious and social system is such that you cannot go forward to give its ideal form a reality because the ideal is bad ; nor can you attempt to elevate the real to the status of the ideal because the real, i.e., the existing state of affairs, is worse than worse could be. This is no exaggeration. Take the Hindu religious system or take the Hindu social system, and examine it from the point of social utility and social justice. It is said that religion is good when it is fresh from the mint. But Hindu religion has been a bad coin to start with. The Hindu ideal of society as prescribed by Hindu religion has acted as a most demoralizing and degrading influence on Hindu society. It is Nietzschean in its form and essence. Long before Nietzsche was born Manu had proclaimed the gospel which Nietzsche sought to preach. It is a religion which is not intended to establish liberty, equality and fraternity. It is a gospel which proclaims the worship of the superman—the Brahmin by the rest of the Hindu society. It propounds that the superman and his class alone are born to live and to rule. Others are born to serve

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them, and to nothing more. They have no life of their own to live, and no right to develop their own personality. This has been the gospel of the Hindu Religion. Hindu philosophy, whether it is Vedanta, Sankhya, Nyaya, Vaishashika, has moved in its own circle without in anyway affecting the Hindu religion. It has never had the courage to challenge this gospel. That Hindu philosophy that everything is Brahma remained only a matter of intellect. It never became a social philosophy. The Hindu philosophers had both their philosophy and their Manu held apart in two hands, the right not knowing what the left had. The Hindu is never troubled by their inconsistency. As to their social system, can things be worst ? The Caste system is in itself a degenerate form of the Chaturvarnya which is the ideal of the Hindu. How can anybody who is not a congenital idiot accept Chaturvarnya as the ideal form of society ? Individually and socially it is a folly and a crime. One class and one class alone to be entitled to education and learning! One class and one class alone to be entitled to arms! One class and one class alone to trade! One class and one class alone to serve! For the individual the consequences are obvious. Where can you find a learned man who has no means of livelihood who will not degrade his education? Where can you find a soldier with no education and culture who will use his arms to conserve and not to destroy ? Where can you find a merchant with nothing but the acquisitive instinct to follow who will not descend to the level of the brute ? Where can you find the servant who is not to acquire education, who is not to own arms and who is not to possess other means of livelihood to be a man as his maker intended him to be ? If baneful to the individual it makes society vulnerable. It is not enough for a social structure to be good for a fair weather. It must be able to weather the storm. Can the Hindu caste system stand the gale and the wind of an aggression ? It is obvious that it cannot. Either for defence or for offence a society must be able to mobilize its forces. With functions and duties exclusively distributed and immutably assigned, what way is there for mobilization ? Ninety per cent of the Hindus— Brahmins, Vaishyas and Shudras—could not bear arms under the Hindu social system. How can a country be defended if its army cannot be increased in the hour of its peril. It is not Buddha who, as is often alleged, weakened Hindu society by his gospel of non-violence. It is the Brahminic theory of Chaturvarnya that has been responsible not only for the defeat but for the decay of Hindu society. Some of you will take offence at what I have said about the demoralizing effect of the Hindu socio-religious ideal on Hindu society. But what is the truth ? Can the charge be denied ? Is there any society in the world which has unapproachables, unshadowables and unseeables ? Is there any society which has got a population of Criminal Tribes ? Is there a society in which there exists today primitive people, who live in jungles, who do not know even to clothe themselves ? How many do they count in numbers ? Is it a matter of hundreds, is it a matter of thousands ? I wish they numbered

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a paltry few. The tragedy is that they have to be counted in millions, millions of Untouchables, millions of Criminal Tribes, millions of Primitive Tribes!! One wonders whether the Hindu civilization, is civilization or infamy? This is about the ideal. Turn now to the state of things as it existed when Ranade came on the scene. It is impossible to realize now the state of degradation they had reached when the British came on the scene and with which the reformers like Ranade were faced. Let me begin with the condition of the intellectual class. The rearing and guiding of a civilization must depend upon its intellectual class—upon the lead given by the Brahmins. Under the old Hindu Law the Brahmin enjoyed the benefit of the clergy and not be hanged even if he was guilty of murder, and the East India Company allowed him the privilege till 1817. That is no doubt because he was the salt of the Earth. Was there any salt left in him ? His profession had lost all its nobility. He had become a pest. The Brahmin systematically preyed on society and profiteered in religion. The *Puranas* and *Shastras* which he manufactured in tons are treasure trove of sharp practices which the Brahmins employed to befool, beguile and swindle the common mass of poor, illiterate and superstitious Hindus. It is impossible in this address to give references to them. I can only refer to the coercive measures which the Brahmins had sanctified as proper to be employed against the Hindus to the encashment of their rights and privileges. Let those who want to know read the preamble to Regulation XXI of 1795. According to it whenever a Brahmin wanted to get anything which could not be willingly got from his victim, he resorted to various coercive practices—lacerating his own body with knives and razors or threatening to swallows some poison were the usual tricks he practised to carry out his selfish purposes. There were other ways employed by the Brahmin to coerce the Hindus which were as extraordinary as they were shameless. A common practice was the erection in front of the house of his victim of the *koorh*—a circular enclosure in which a pile of wood was placed—within the enclosure an old woman was placed ready to be burnt in the *koorh* if his object was not granted. The second devise of such a kind was the placing of his women and children in the sight of his victim and threaten to behead them. The third was the Dhurna—starving on the doorstep of the victim. This is nothing. Brahmins had started making claims for a right to deflower the women of non-Brahmins. The practice prevailed in the family of the Zamorin of Calicut and among the Vallabhachari sect of Vaishnavas. What depths of degradation the Brahmins had fallen to ! If, as the Bible says, the salt has lost its flavour wherewith shall it be salted ? No wonder the Hindu Society had its moral bonds loosened to a dangerous point. The East India Company had in 1819 to pass a Regulation (VII of 1819) to put a stop to this moral degeneracy. The preamble to the Regulation says that women were employed wholesale to entice and take away the wives or female children for purposes of prostitution, and it was common practice

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among husbands and fathers to desert their families and children. Public conscience there was none, and in the absence of conscience it was futile to expect moral indignation against the social wrongs. Indeed the Brahmins were engaged in defending every wrong for the simple reason that they lived on them. They defended Untouchability which condemned millions to the lot of the helot. They defended caste, they defended female child marriage and they defended enforced widowhood—the two great props of the Caste system. They defended the burning of widows, and they defended the social system of graded inequality with its rule of hypergamy which led the Rajputs to kill in their thousands the daughters that were born to them. What shames! What wrongs! Can such a society show its face before civilized nations ? Can such a society hope to survive ? Such were the questions which Ranade asked. He concluded that on only one condition it could be saved—namely, rigorous social reform.

VI

His greatest opponents however came from the political school of the intelligentsia. These politicals developed a new thesis. According to that thesis political reform was to have precedence over social reform. The thesis was argued from platform to platform and was defended by eminent people like Mr. Justice Telang, a Judge of the Bombay High Court, with the consummate skill of an acute lawyer. The thesis caught the imagination of the people. If there was one single cause to which the blocking of the Social Reform movement could be attributed, it was this cry of political reform. The thesis is unsupportable, and I have no doubt that the opponents of Ranade were wrong and in pursuing it did not serve the best interests of the country. The grounds on which Mr. Justice Telang defended the Politicians' thesis were of course logical. But he totally forgot that logic is not reason, and analogy is not argument. Neither did he have a correct understanding of the inter-relation between the "social" and the "political" which Ranade had. Let us examine the reasons for the thesis. Those that were advanced were not very impressive. But I am prepared to meet the most impressive arguments that could be advanced. Even then the thesis will not stand. The following strike me as being the most impressive. In the first place, it could be said that we want political power first because we want to protect the rights of the people. This answer proceeds from a very frugal theory of Government as was propounded by the American statesman Jefferson according to whom politics was only an affair of policing by the State so that that the rights of people were maintained without disturbance. Assume that the theory is a sound one. The question is, what is there for the State to police if there are no rights ? Rights must exist before policing becomes a serious matter of substance. The thesis that political reform should precede social reform becomes on the face of it an absurd proposition, unless the idea is that the Government is to protect those who have vested rights and to penalize those

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who have none. The second ground that could be urged in support of the thesis is that they wanted political power because they wanted to confer on each individual certain fundamental rights by law and that such conferring of the political rights could not take place unless there was political power first obtained. This of course sounds very plausible. But is there any substance in it ? The idea of fundamental rights has become a familiar one since their enactment in the American Constitution and in the Constitution, framed by Revolutionary France. The idea of making a gift of fundamental rights to every individual is no doubt very laudable. The question is how to make them effective ? The prevalent view is that once rights are enacted in a law then they are safeguarded. This again is an unwarranted assumption. As experience proves, rights are protected not by law but by the social and moral conscience of society. If social conscience is such that it is prepared to recognize the rights which law chooses to enact, rights will be safe and secure. But if the fundamental rights are opposed by the community, no Law, no Parliament, no Judiciary can guarantee them in the real sense of the word. What is the use of the fundamental rights to the Negroes in America, to the Jews in Germany and to the Untouchables in India? As Burke said, there is no method found for punishing the multitude. Law can punish a single solitary recalcitrant criminal. It can never operate against a whole body of people who are determined to defy it. Social conscience—to use the language of Coleridge—that calm incorruptible legislator of the soul without whom all other powers would "meet in mere oppugnancy—is the only safeguard of all rights fundamental or non-fundamental."

The third argument of the politicals could be based on the right to self-Government. That self-Government is better than good Government is a well-known cry. One cannot give it more value than one can give to a slogan, and all would like to be assured that self-Government would also be a good Government. There is no doubt that the politicals wanted good Government and their aim was to establish a democratic form of Government. But they never stopped to consider whether a democratic form of Government was possible. Their contention was founded on a series of fallacies. A democratic form of Government presupposes a democratic form of society. The formal framework of democracy is of no value and would indeed be a misfit if there was no social democracy. The politicals never realized that democracy was not a form of Government : it was essentially a form of society. It may not be necessary for a democratic society to be marked by unity, by community of purpose, by loyalty to public ends and by mutuality of sympathy. But it does unmistakably involve two things. The first is an attitude of mind, an attitude of respect and equality towards their fellows. The second is a social organization free from rigid social barriers. Democracy is incompatible and inconsistent with isolation and exclusiveness, resulting in the distinction

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between the privileged and the unprivileged. Unfortunately, the opponents of Ranade were never able to realize the truth of this fact.

One may judge it by any test and it will be found that the stand that Ranade took in this controversy and his plan of work were correct and fundamental to if they were not the pre-requisites of political reform. Ranade argued that there were no rights in the Hindu society which the moral sense of man could recognize. There were privileges and disabilities, privileges for a few and disabilities for a vast majority. Ranade struggled to create rights. Ranade wanted to vitalize the conscience of the Hindu society which had become moribund as well morbid. Ranade aimed to create a real social democracy, without which there could be no sure and stable politics. The conflict was between two opposing points of view and it centred round the question which is more important for the survival of a nation, political freedom or. strong moral fiber. Ranade took the view that moral stamina was more important than political freedom. This was also the view of Lecky the great historian who after a careful and comparative study of history came to the conclusion that :

> "The foundation of a Nation's strength and prosperity is laid in pure domestic life, in commercial integrity, in a high standard of moral worth, and of public spirit, in simple habits, in courage, uprightness, and a certain soundness and moderation of judgment which springs quite as much from character as from intellect. If you would form a wise judgment of the future of a nation, observe carefully whether these qualities are increasing or decaying. Observe carefully what qualities count for most in public life. Is character becoming of greater or less importance ? Are the men who obtain the highest posts in the nation men of whom, in private life, irrespective of party competent judges speak with genuine respect ? Are they of sincere convictions, consistent lives and indisputable integrity ? It is by observing this current that you can best cast the horoscope of a nation."

Ranade was not only wise but he was also logical. He told his opponents against playing the part of Political Radicals and Social Tories. In clear and unmistakable terms he warned them saying :

> "You cannot be liberal by halves. You cannot be liberal in politics and conservative in religion. The heart and the head must go together. You cannot cultivate your intellect, enrich your mind, enlarge the sphere of your political rights and privileges, and at the same time keep your hearts closed and cramped. It is an idle dream to expect men to remain enchained and enshackled in their own superstition and social evils, while they are struggling hard to win rights and privileges from their rulers. Before long these vain dreamers will find their dreams lost."

Experience has shown that these words of Ranade have been true, even prophetic. Let those who deny this consider : Where are we today in politics

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and why are we where we are ? It is now 50 years since the National Congress was born. Its stewardship has passed hands, I won't say from the sane to the insane, or from realists to idealists, but from moderates to radicals. Where does the country stand today at the end of 50 years of political marching ? What is the cause of this deadlock ? The answer is simple. The cause of deadlock is the absence of Communal settlement. Ask why is communal settlement necessary for political settlement and you realize the fundamental importance of the stand that Ranade took. For the answer to this question is to be found in the wrong social system, which is too undemocratic, too over-weighed in favour of the classes and against the masses, too class conscious and too communally minded. Political democracy would become a complete travesty if it were built upon its foundations. That is why nobody except the high caste Hindus will agree to make it the case of a political Democracy without serious adjustments. Well may some people argue to their satisfaction that the deadlock is the creation of the British Government. People like to entertain thoughts which sooth them and which throw responsibility on others. This is the psychology of escapism. But it cannot alter the fact that it is the defects of social system which has given rise to the communal problem and which has stood in the way of India getting political power.

Ranade's aim was to cleanse the old order if not to build a new one. He insisted on improving the moral tone of Hindu society. If he had been heard and followed, the system would have at least lost its rigours and its rigidity. If it could not have avoided Communal settlement it would have made it easy. For his attempts, limited as they were, would have opened the way to mutual trust. But the politicals had developed a passion for political power which had so completely blinded them that they refused to see virtue in anything else. Ranade has had his revenge. Is not the grant of political safeguard a penalty for denying the necessity of social reform ?

How much did Ranade achieve in the field in which he played so dominant a part ? In a certain sense the question is not very important. Achievement is never the true measure of greatness. "Alas", as Carlyle said, "we know very well that ideals can never be completely embodied in practice. Ideals must ever lie a very great way off; and we will right thankfully content ourselves with any not intolerable approximation thereto!" Let no man, as Schillar says, too querulously "measure by a scale of perfection the meagre product of reality" in this poor world of ours. We will esteem him no wise man ; we will esteem him a sickly discontented foolish man. And yet Ranade's record of achievement was not altogether bare. The problems facing the then social reformers contained in the statement on social reform prepared by Rai Bahadur P. Anandcharly were five : (1) early marriage ; (2) remarriages of widows ; (3) liberty for our countrymen to travel—or

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sojourn in foreign lands ; (4) women's rights of property and (5) education of women. Of this programme he achieved a great part. If he did not achieve all, there were the odds against him, which should never be forgotten. A clever, determined and an insincere intelligentsia came forward to defend orthodoxy and give battle to Ranade. The scenes were exciting, as exciting as those of a dread grim of battle. And battle it was. One cannot recall the spirit of the time when this controversy over social reform was raging in this country. It is not possible for decency to enter into the abuses that were hurled, the calumnies that were uttered, the strategies that were employed by the orthodox section against the Social Reformers. It is impossible to read the writing of those who supported orthodoxy in their opposition to the Age of Consent Bill without realizing the depth of the degradation to which the so-called leaders of the peoples had fallen. The Bill aimed to punish a husband who would have sexual intercourse with his wife if she had not attained the age of 12. Could any sane man, could any man with a sense of shame oppose so simple a measure ? But it was opposed, and Ranade had to bear the brunt of the mad orthodoxy. Assuming that Ranade's achievements were small; who could take pride or exultation in his failure to achieve more ? There was no cause for exultation. The decline of social reform was quite natural. The odium of social reform was too great. The appeal of political power too alluring. The result was that social reform found fewer and fewer adherents. In course of time the platform of the Social Reform Conference was deserted and men flocked to the Indian National Congress. The politicians triumphed over the social reformers. I am sure that nobody will now allow that their triumph was a matter for pride. It is certainly a matter of sorrow. Ranade may not have been altogether on the winning side, but he was not on the wrong side and certainly never on the side of the wrong as some of his opponents were.

VIII

How does Ranade compare with others ? Comparisons are always odious and unpleasant. At the same time it is true that there is nothing more illuminating than comparisons. Of course in making them one must bear in mind that to be interesting and instructive comparisons must be between those that are alike. Fortunately there is field for comparison. Ranade was a social reformer and as a social reformer he could be usefully compared with other social reformers. Particularly illuminating will be the comparison between Ranade and Jotiba Phule. Phule was born in 1827 and died in 1890. Ranade was born in 1842 and died in 1901. Thus Phule and Ranade were contemporaries and both were foremost social reformers. Some may perhaps demur to the wisdom of comparing Ranade with other politicians. This can only be on the ground that Ranade was not a politician. To say that Ranade was not a politician is to impose a very narrow and very restricted meaning upon the term politician. A politician does not merely trade in politics but he also represents particular faith covering both—the method

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as well as the metaphysics of politics. Ranade was the founder of a school of politics which was distinctive for its method as well as for metaphysics. Used in this sense Ranade was a politician and could be usefully compared with other politicians. Comparisons of Ranade with social reformers and with politicians cannot but be illuminating and there is enough material for such comparisons. The question really is one of time and taste. Time will not permit any extensive comparison of Ranade being made both with social reformers as well as with politicians. I must really choose between comparing Ranade with social reformers or with politicians. This is a matter of taste. Left to myself I would have preferred to use my available time to compare Ranade with Phule. For I regard social Reform more fundamental than political reform. Unfortunately my taste is different from the taste of the audience and I feel that in detaining the audience I must be guided more by its likes and dislikes than my own. The ardour for social reform has cooled down. The craze for politics has held the Indian public in its grip. Politics has become an appetiser—a mastic the more one tastes it the more one craves it. The task I am undertaking is a very unpleasant one and if I venture upon it, it is only because it is my duty to expound fully and the desire of the public to know truly the value of Ranade's political philosophy and his place among politicians of today.

Who are the present day politicians with whom Ranade is to be compared ? Ranade was a great politician of his day. He must therefore be compared with the greatest of today. We have on the horizon of India two great men, so big that they could be identified without being named—Gandhi and Jinnah, What sort of a history they will make may be a matter for posterity to tell. For us it is enough that they do indisputably make headlines for the Press. They hold leading strings. One leads the Hindus, the other leads the Muslims. They are the idols and heroes of the hour. I propose to compare them with Ranade. How do they compare with Ranade ? It is necessary to make some observations upon their temperaments and methods with which they have now familiarized us. I can give only my impressions of them, for what they are worth. The first thing that strikes me is that it would be difficult to find two persons who would rival them for their colossal egotism, to whom personal ascendency is everything and the cause of the country a mere counter on the table. They have made Indian politics a matter of personal feud. Consequences have no terror for them ; indeed they do not occur to them until they happen. When they do happen they either forget the cause, or if they remember it, they overlook it with a complacency which saves them from any remorse. They choose to stand on a pedestal of splendid isolation. They will themselves off from their equals. They prefer to open themselves to their inferiors. They are very unhappy at and impatient of criticism, but are very happy to be fawned upon by flunkeys. Both have developed a wonderful stagecraft and arrange things in such a way that they

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are always in the limelight wherever they go. Each of course claims to be supreme. If supremacy was their only claim, it would be a small wonder. In addition to supremacy each claims infallibility for himself. Pius IX during whose sacred regime as Pope the issue of infallibility was raging said—"Before I was Pope I *believed* in Papal infallibility, now I *feel* it." This is exactly the attitude of the two leaders whom Providence—may I say in his unguarded moments—has appointed to lead us. This feeling of supremacy and infallibility is strengthened by the Press. One cannot help saying that. The language used by Gardiner to describe the Northcliffe brand of journalism, in my opinion, quite appropriately describes the present state of journalism in India. Journalism in India was once a profession. It has now become a trade. It has no more moral function than the manufacture of soap. It does not regard itself as the responsible adviser of the Public. To give the news uncoloured by any motive, to present a certain view of public policy which it believes to be for the good of the community, to correct and chastise without fear all those, no matter how high, who have chosen a wrong or a barren path, is not regarded by journalism in India its first or foremost duty. To accept a hero and worship him has become its principal duty. Under it, news gives place to sensation, reasoned opinion to unreasoning passion, appeal to the minds of responsible people to appeal to the emotions of the irresponsible. Lord Salisbury spoke of the Northcliffe journalism as written by office-boys for office-boys. Indian journalism is all that plus something more. It is written by drum-boys to glorify their heroes. Never has the interest of country been sacrificed so senselessly for the propagation of hero-worship. Never has hero-worship become so blind as we see it in India today. There are, I am glad to say, honourable exceptions. But they are too few and their voice is never heard. Entrenched behind the plaudits of the Press, the spirit of domination exhibited by these two great men has transgressed all limits. By their domination they have demoralised their followers and demoralized politics. By their domination they have made half their followers fools and the other half hypocrites. In estabhshing their supremacy they have taken the aid of "big business" and money magnates. For the first time in our country money is taking the field as an organised power. The questions which President Roosevelt propounded for American Public to consider will arise here, if they have not already arisen : Who shall rule—wealth or man ? Which shall lead, money or intellect ? Who shall fill public stations, educated and patriotic free men or the feudal serfs of corporate Capital ? For the present, Indian politics, at any rate the Hindu part of it, instead of being spiritualized has become grossly commercialized, so much so that it has become a byword for corruption. Many men of culture are refusing to concern themselves in this cesspool. Politics has become a kind of sewage system intolerably unsavoury and insanitary. To become a politician is like going to work in the drain.

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Politics in the hands of these two great men have become a competition in extravaganza. If Mr. Gandhi is known as Mahatma, Mr. Jinnah must be known as Qaid-i-Azim. If Gandhi has the Congress, Mr. Jinnah must have the Muslim League. If the Congress has a Working Committee and the All-India Congress Committee, the Muslim League must have its Working Committee and its Council. The session of the Congress must be followed by a session of the League. II the Congress issues a statement the League must also follow suit. If the Congress passes a Resolution of 17,000 words, the Muslim League's Resolution must exceed it by at least a thousand words. If the Congress President has a Press Conference, the Muslim League President must have his. If the Congress must address an appeal to the United Nations, the Muslim League must not allow itself to be outbidden. When is all this to end ? When is there to be a settlement ? There are no near prospects. They will not meet, except on preposterous conditions. Jinnah insists that Gandhi should admit that he is a Hindu. Gandhi insists that Jinnah should admit that he is one of the leaders of the Muslims. Never has there been such a deplorable state of bankruptcy of statesmanship as one sees in these two leaders of India. They are making long and interminable speeches, like lawyers whose trade it is to contest everything, concede nothing and talk by the hour. Suggest anything by way of solution for the deadlock to either of them, and it is met by an everlasting "Nay". Neither will consider a solution of the problems which is not eternal. Between them Indian politics has become "frozen" to use a well-known Banking phrase and no political action is possible.

How does Ranade strike as compared to these two ? I have no personal impression to give. But reading what others have said I think I can say what he must have been like. He had not a tinge of egotism in him. His intellectual attainments could have justified any amount of pride, nay even insolence. But he was the most modest of men. Serious youths were captivated by his learning and geniality. Many, feeling completely under his sway, responded to his ennobling influence and moulded their whole lives with the passionate reverence for their adored master. He refused to be satisfied with the praises of fools, and was never afraid of moving in the company of equals and of the give and take it involves, He never claimed to be a mystic relying on the inner voice. He was a rationalist prepared to have his views tested in the light of reason and experience. His greatness was natural. He needed no aid of the stage nor the technique of an assumed eccentricity nor the means of a subsidized press. As I said, Ranade was principally a social reformer. He was not a politician in the sense of one who trades in politics. But he has played an important part in the political advancement of India. To some of the politicians he acted as the teacher who secured such signal successes and who dazzled their critics by their brilliance. To some he acted as the guide, but to all he acted as the philosopher.

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What was the political philosophy of Ranade ? It may be summed up in three propositions :

(1) We must not set up as our ideal something which is purely imaginary. An ideal must be such that it must carry the assurance that it is a practicable one.

(2) In politics, sentiment and temperament of the people are more important than intellect and theory. This is particularly so in the matter of framing a Constitution. A constitution is as much a matter of taste as clothes are. Both must fit, both must please.

(3) In political negotiations the rule must be what is possible. That does not mean that we should be content with what is offered. No. It means that you must not refuse what is offered when you know that your sanctions are inadequate to compel your opponent to concede more.

These are the three main doctrines of Ranade's political philosophy. It would be quite easy to illustrate them by appropriate quotations from his writings and his speeches. There is no time for that nor is there any necessity, for they must be clear to every student of Ranade's speeches and writings. Who could quarrel with Ranade on these three propositions and if there be one, on which ? On the first only a visionary will quarrel. We need not take any notice of him. The second proposition is so evident that we could only ignore it at our peril. The third proposition is something on which a difference of opinion is possible. Indeed it is this which divided the Liberals from the Congressmen. I am not a liberal, but I am sure the view Ranade held was the right one. There can be no compromise on principle, and there should not be. But once the principle is agreed upon, there can be no objection to realize it by instalments. Graduation in politics is inevitable, and when the principle is accepted it is not harmful and indeed it may in certain circumstances be quite advantageous. On this third proposition there was really no difference between him and Tilak, except this : Tilak would have the possible maximised by the application of sanctions ; Ranade would look askance at sanctions. This is all. On the rest they were agreed. The absence of sanctions in Ranade's political philosophy need not detract much from its worth. We all know what sanctions are available to us. We have tried all, old as well as new, with what effect I need not stop to describe.

IX

In celebrating the birthday of Ranade we must not overlook what the critics and opponents are likely to say. The critics will ask what is the point in celebrating the birthday of Ranade. That the days of hero-worship are gone long past will be the line of their argument. The oppenents will say if I condemn idolatry when it pertains to Mr. Gandhi and to Mr. Jinnah how do I join in idolizing Mr. Ranade ? These are very pertinent questions. True

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hero-worship is dying. Of that there is no doubt. It was dying even in the days of Carlyle who indignantly complained against his age saying—

> "This is an age that as it were denies the existence of great men : denies the inevitableness of great men."
>
> "Show our critics a great man", he said and "They begin to what they call 'account for him'; not to worship him but take the dimensions of him."

But hero-worship is certainly not dead in India. India is still *par excellence* the land of idolatry. There is idolatry in religion, there is idolatry in politics. Heroes and hero-worship is a hard if unfortunate, fact in India's political life. I agree that hero-worship is demoralizing for the devotee and dangerous to the country. I welcome the criticism in so far as it conveys a caution that you must know that your man is really great before you start worshipping him. This unfortunately is not an easy task. For in these days, with the Press in hand, it is easy to manufacture great men. Carlyle used a happy phrase when he described the great men of history as so many Bank Notes. Like Bank Notes they represent gold. What we have to see is that they are not forged notes. I admit that we ought to be more cautious in our worship of great men. For in this country we have perhaps arrived at such a stage when alongside the notice boards saying "beware of pickpockets" we need to have notice boards saying "beware of great men". Even Carlyle who defended the worship of great men warned his readers how :

> "Multitudes of men have figured in history as great men who were false and selfish." He regretted deeply that "The World's wages (of homage) are pocketed (by these so-called great men), the World's work is not done. Heroes have gone out; quacks have come in."

Ranade never received the honours of apotheosis as these great men of India today are destined to receive. How could he ? He did not come with a message hot from Senai. He performed no miracles and promised no speedy deliverance and splendour. He was not a genius and he had no superhuman qualities. But there are compensations. If Ranade did not show splendour and dominance he brought us no catastrophe. If he had no superhuman qualities to use in the service of India, India was saved from ruin by its abuse. If he was not a genius, he did not display that perverse supersubtlety of intellect and a temper of mind which is fundamentally dishonest and which has sown the seeds of distrust and which has made settlement so difficult of achievement. There is nothing exuberant and extravagant in Ranade. He refused to reap cheap notoriety by playing the part of an extremist. He refused to mislead people by playing upon and exploiting the patriotic sentiments of the people. He refused to be a party to methods which are

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crude which have volume but no effect and which are neither fool-proof nor knave-proof and which break the back even of the most earnest and sincere servants of the country and disable them from further effort. In short Ranade was like the wise Captain who knows that his duty is not to play with his ship clever and masterful tricks, just for effect and show in the midst of the ocean but to take it safely to its appointed port. In short Ranade was not a forged bank note and in worshipping him we have no feeling of kneeling before anything that is false.

In the second place this celebration of Ranade's birthday is not all an act of hero-worship. Hero-worship in the sense of expressing our unbounded admiration is one thing. To obey the hero is a totally different kind of hero-worship. There is nothing wrong in the former while the latter is no doubt a most pernicious thing. The former is only man's respect for everything which is noble and of which the great man is only an embodiment. The latter is the villain's fealty to his lord. The former is consistent with respect, but the latter is a sign of debasement. The former does not take away one's intelligence to think and independence to act. The latter makes one a perfect fool. The former involves no disaster to the State. The latter is the source of positive danger to it. In short in celebrating Ranade's birthday we are not worshipping a boss who is elected by no one, accountable to no one and removable by no one, but paying our tribute of admiration to a leader who led and did not drive people, who sought to give effect to their deliberate judgment and did not try to impose his own will upon them by trickery or by violence.

In the third place it is not for hero-worship for which this gathering has assembled. This is an occasion to remind ourselves of the political philosophy of Ranade. To my mind it has become necessary to remind ourselves of it from time to time. For his is a philosophy which is safe and sound, sure if slow. Even if it does not glitter it is nonetheless gold. Do any have doubt ? If they have let them ponder over the following utterances of Bismark, Balfour and Morley. Bismark the great German Statesman said :

> "Politics is the game of the possible."

Balfour in his Introduction to Walter Bagehot's well-known book on the English Constitution says :

> "If we would find the true basis of the long drawn process which has gradually converted medieval monarchy into a modern democracy the process by which so much has been changed and so little destroyed, we must study temperament and character rather than intellect and theory. This is a truth which those who recommend the wholesale adoption of British Institutions in strange lands might remember with advantage. Such an experiment can hardly be without its dangers. Constitutions are easily copied ; temperaments are not ; and if it should happen that the borrowed constitution and the native temperament fail to correspond, the misfit may

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have serious results. It matters little what other gifts a people may possess if they are wanting in these which, from this point of view, are of most importance. If, for example, they have no capacity for grading their loyalties as well as for being moved by them ; If they have no natural inclination to liberty and no natural respect for law ; If they lack good humour and tolerate foul play ; If they know not how to compromise or when ; If they have not that distrust of extreme conclusions which is sometimes misdescribed as want of logic ; If corruption does not repel them ; and if their divisions tend to be either too numerous or too profound, the successful working of British Institutions may be difficult or impossible. It may indeed be least possible where the arts of Parliamentary persuasion and the dexterities of party management are brought to their highest perfection."

Morley has observed :

"To hurry on after logical perfection is to show one's self-ignorant of the material of that social structure with which the politician has to deal. To disdain anything short of an organic change in thought or institution is infatuation. To be willing to make such changes too frequently, even when they are possible, is fool-hardiness. That fatal French saying about small reforms being the worst enemies of great reforms, is, in the sense in which it is commonly used, a formula of social ruin."

These are the principles on which success in Politics depends. Are they different from those which Ranade enunciated ? It bespeaks greatness in Ranade that he should have propounded them years before Bismark, Balfour and Morley.

The generation which Ranade served was wise in taking him as its political guide, friend and philosopher. His greatness lies in the fact that he can be a guide, friend and philosopher to this present, nay even to future generations.

There is one charge against Ranade which is frequently made and which I think must be met. It is said of Ranade that he believed that the conquest of India by the British was Providential, that it was in the best interest of India, that she should remain within the British Empire and that therein lay her final destiny. In short Ranade is accused of being opposed to India's Independence.

The charge is founded on the following utterances of Ranade :

"It cannot be easily assumed that in God's Providence, such vast multitudes as those who inhabit India were placed centuries together under influences and restraints of alien domination, unless such influences and restraints were calculated to do lasting service in the building up of the strength and character of the people in directions in which the Indian races

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were most deficient. Of one thing we are certain, that after lasting over five hundred years, the Mohammedan Empire gave way, and made room for the re-establishment of the old native races in the Punjab, and throughout Central Hindusthan and Southern India, on foundations of a much more solid character than those which yielded so easily before the assaults of the early Mohammedan conquerors."

"Both Hindus and Mohammedans lack many of those virtues represented by the love of order and regulated authority. Both are wanting in the love of municipal freedom, in the exercise of virtues necessary for civic life, and in aptitudes for mechanical skill, in the love of science and research in the love and daring of adventurous discovery, the resolution to master difficulties, and in chivalrous respect for womankind. Neither the old Hindus nor the old Mohammedan civilization was in a condition to train these virtues in a way to bring up the races of India on a level with those of Western Europe, and so the work of education had to be renewed, and it has been now going on for the past century and more under the *Pax Brittanica* with results—which all of us are witnesses to in ourselves."

A mere glance at these statements is enough to show that the charge is based on a misunderstanding if not on a misreading of the statements. The statements are plain and simple and they cannot even by inference be said to lead to the conclusion that Ranade was opposed to India's independence. In that sense the charge is false and without foundation.

These statements of Ranade far from casting any reflection upon his self-respect testify to his wisdom and to his sagacity. What did Ranade want to convey by these statements ? As I understand them, I think, Ranade wanted to convey two things. The first thing he wanted to convey was that the conquest of India by Britain has given India the time, the opportunity and the necessary shelter for rebuilding, renovating and repairing her economic and social structure, to refit herself for bearing the strain of any foreign aggression when she does become free. The second thing Ranade wanted to convey was that going out of the British Empire by India before she had satisfied and solidified herself into a single nation, unified in thought, in feeling, and charged with a sense of a common destiny, was to invite chaos and disruption in the name of independence.

How very important these truths are ? People do not realize the part that shelter plays in the smooth working out of social, economic and political conflicts which are inevitable in every society which desires to advance. The late Prof. Maitland was once asked to explain why Parliamentary Institutions flourished in England but failed to take roots in Europe. His answer reveals the importance of shelter. He said the difference was due to the English channel. By this answer what he meant to convey was that by

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reason of the English channel England was immune from foreign aggression while she was repairing her own body politic and therefore it became safe for people to fight against their King for Liberty and also safe for the King to allow it to his people. This importance of shelter was also emphasized by Abraham Lincoln. In a speech devoted to showing why American Political Institutions were destined to remain perpetual, Lincoln said :

> "All the armies of Europe, Asia and Africa combined. . . with a Bonaparte for a Commander, could not by force take a drink from Ohio, or make a track on the Blue Ridge in a trial of a thousand years."

In this Lincoln was also emphasizing the importance and the necessity for shelter for social reconstruction. India is not a sheltered country as England and America are. She lies across and on the roads, whether the roads are land routes, sea routes or air routes. As she has no shelter the fear is that she will be broken up if she is attacked from outside while she is engaged in refitting herself. India needs a dry dock as a shelter for the period of her refitting and the British Empire is a dry dock for her. Who can say that Ranade was not wise in asking his countrymen to bear in mind the importance of a shelter which the British Empire can give and which India needs so much?

A servient nation is always eager to cut the knot and declare its independence of the dominant nation. But it seldom stops to consider the effect of independence on itself. Such a consideration is however very important. It is not often realized that the knot which binds the servient nation to the dominant nation is more necessary to the servient nation than to the dominant nation. It depends upon the conditions inside the servient nation. The servient nation may be one whole. The servient nation may consist of parts. The parts may be such that they will never become one whole. Or the parts may be such that they are not yet one whole but if held together longer they will become one whole. The effect which the cutting of the knot will have on the servient nation will depend upon the internal condition of the servient nation. There may be every good in cutting the knot by a servient nation which is one whole. Nothing good or nothing worse can happen—depends upon how one looks at it—by the cutting of the knot by a nation in which the parts can never become one whole. But there is positive danger in the third case. The premature cutting of the knot is sure to lead to disintegration where integration is desirable and possible. It would be a wanton act. This is the second danger which Ranade wanted to caution his countrymen against.

Who can say that Ranade was not wise in giving this caution ? Those who are inclined to question its necessity have only to look to China. It is 30 years since the Chinese Revolution took place. Have the Chinese settled down ? No. People are still asking "when will the Chinese revolution stop revolving ?"

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and those who know the conditions in China cannot do better than say "Perhaps in another hundred years." Has China found a stable Government having the allegiance of all Chinese ? Far from it. Indeed if truth be told, China after the revolution has been a land of disunity and disruption far more than she was ever before. The Revolution has produced a chaos of such magnitude that her very independence has been put in peril. Few Indians are aware of the fact that if China has not lost her independence as a result of the chaos caused by the Revolution it is only because she had too many enemies who could not agree as to which of them should devour her. The Chinese Revolution was a great mistake. That was the opinion of Yuan Shih-k'ai who said :

> "I doubt whether the people of China are at present ripe for a Republic or whether under present conditions a Republic is adapted to the Chinese people... The adoption of a limited monarchy would bring conditions back to the normal and would bring stability much more rapidly than that end could be attained through any experimental form of Government unsuited to the genius of the people or to the present conditions in China... My only reason for favouring the retention of the present Emperor is that I believe in a constitutional monarchy. If we are to have that form of Government, there is nobody else whom the people would agree upon for his place... My sole aim in this crisis is to save China from dissolution and the many evils that would follow."

Those who think that China should be rather a warning to Indians than an example will, far from accusing Ranade for opposing India's independence will be happy that he had the wisdom to foresee the evils of a premature revolution and warn his countrymen against taking a similar step.

X

Posterity is always interested in the last words and last regrets of great men. The last words of great men are not always significant of their experience of this world or their vision of the next. For instance the last thoughts of Socrates were to call Crito and say, "We owe a cock to Aesculapius; discharge the debt, and by no means omit it." But their last regrets are always significant and worth pondering over. Take the case of Napoleon. Napoleon before his death at St. Helena showed evidence of being uneasy over three capital points which constituted his last regrets. They were: that he could not have died at some supreme moment of his career ; that he left Egypt and gave up his Eastern ambitions ; and last but by no means the least his defeat at Waterloo. Had Ranade any supreme regrets ? One thing is certain that Ranade if he had any, could not have the same regrets such as those which disturbed the peace of mind of Napoleon. Ranade lived for service and not for glory. It mattered very little to him whether the moment of his death was glorious or inglorious or whether he died as a hero, as a conqueror or

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a master or whether he died as a common man sometimes does of common cold. As a matter of fact Ranade was not troubled by any regrets. So far as record goes Ranade does not seem to be conscious of any act or event about which he had any regrets. He died a happy and a peaceful death. But it is worth-while asking could Ranade have any regrets if he came to life today ? I am sure there is one matter over which he will feel extremely grieved—namely the present condition of the Liberal Party in India.

What is the present position of the Liberal Party in India ? The Liberal Party is a casualty. Indeed this is a very mild expression. The Liberals are "the contemptibles" of Indian politics. To use the language of Norton used in another connection they are disowned by the people, unowned by the Government, having the virtues of neither, but possessing the vices of both. There was a time when the Liberal Party was the rival of the Congress. Today the relation of the Liberal Party to the Congress is that of a dog to his master. Occasionally the dog barks at his master but for the most part of his life he is content to follow him. What is the Liberal Party if not the tail of the Congress ? Many are asking, why do not the Liberals merge in the Congress—so useless has their existence become. How can Ranade help not regretting the collapse of the Liberal Party ? How can any Indian help regretting it ?

The collapse of the Liberal Party is a tragedy to the Liberals. But it is really a disaster to the country. The existence of a party is so essential to a popular Government that it is impossible to conceive the possibility of getting on without it. As an eminent American historian says :

> "It is easier to imagine the demolition of any part of our constitutional organization, the submersion of a large part of what the constitution describes, than to imagine our getting on without political combinations : they are our vital institutions."

Indeed to attempt to govern a country by the mass of voters without the control and discipline of a Party is, to use the language of James Bryce :

> "Like attempting to manage a rail-board by the votes of uniformed share holders, or to lay the course of a sailing ship by the votes of the passengers."

It is undeniable that a party is an essential adjunct to Popular Government. But it is equally undeniable that the rule of a single party is fatal to Popular Government. In fact it is a negation of Popular Government. The case of Germany and Italy furnish the most cogent evidence on this point. Instead of taking a warning from the totalitarian States we are taking them as models to copy. The one party system is being hailed in this country in the name of national solidarity. Those who are doing so are failing to take note of the possibilities of tyranny as well as the possibilities of misdirection of public affairs which is inherent in the one party Government. To have Popular

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Government run by a single party is to let democracy become a mere form for despotism to play its part from behind it. How under one party Government the tyranny of the majority ceases to be an empty phrase and becomes a menacing fact has been our experience, in India, under the Congress Regime. Were we not told by Mr. Rajgopalachariar that the separation of the Executive and the Judiciary which was necessary under the British is no longer necessary ? Does it not show the Despot's taste for blood ? Despotism does not cease to be despotism because it is elective. Nor does despotism become agreeable because the Despots belong to our own kindred. To make it subject to election is no guarantee against despotism. The real guarantee against despotism is to confront it with the possibility of its dethronement, of its being laid low, of its being superseded by a rival party. Every Government is liable to error of judgment, great many liable to bad administration and not a few to corruption, injustice and acts of oppression and bad faith. No Government ought to be free from criticism. But who can criticize a Government ? Left to individuals it can never be done. Sir Toby has left behind advice as to how one should deal with one's enemy. He said : "soon, so soon as ever thou seest him, draw, and as thou drawest, swear horrible" But this is not possible for an individual who wants to stand up against a Government. There are various things against individuals successfully playing that part. There is in the first place what Bryce calls the fatalism of the multitude, that tendency to acquiesce and submit due to the sense of insignificance of individual effort, the sense of helplessness arising from the belief that the affairs of men are swayed by large forces whose movements cannot be turned by individual effort. In the second place there is possibility of the tyranny of the majority which often manifests in suppressing and subjecting to penalties and other social disabilities persons who do not follow the majority, of which some of us have good experience during the Congress regime. In the third place there is the fear of the C.I.D. The Gestapo and all the other instrumentalities which are at the disposal of the Government to shadow its critics and to silence them.

The secret of freedom is courage, and courage is born in combination of individuals into a party. A party is necessary to run Government. But two parties are necessary to keep Government from being a despotism. A democratic Government can remain democratic only if it is worked by two parties—a party in power and a party in opposition. As Jennings puts it :

> "If there is no opposition there is no democracy. 'His Majesty's Opposition' is no idle phrase. His Majesty needs an opposition as well as a Government."

In the light of these considerations who could deny that the collapse of the Liberal Party in India is not a major disaster ? Without the resusciation of the Liberal Party or the formation of another party the fight for freedom

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will result in loss of freedom for despotism is antithetical of freedom whether the despotism is native or foreign. It is a pity Indians have lost sight of this fact. But I have no doubt those who are shouting that the Congress is the only party and that the Congress is the nation will live to rue their decision.

Why has the Liberal Party collapsed? Is there something wrong in the Philosophy of Ranade ? Is there anything wrong with the men in the Liberal Party ? Or is the working of the Liberal Party at fault ? I for one hold that there is nothing fundamentally wrong with the philosophy of Ranade. Nor can it be said that of the two the Congress has the best cause and the Liberal Party the best men. The Liberal Party has both. To my mind what has brought about the collapse of the Liberal Party is the complete lack of organization.

It may not be without interest to expose the weaknesses in the organization of the Liberal Party.

As pointed out by Pendleton Herring in his volume on *Politics of Democracy* the organization of a party is spread over three concentric rings. The centre ring represents the oligarchy in control of the party organization—what is called the High Command. There are associated with it, its workers who are primarily concerned with securing their livelihood through the party organization whether as party officials or through public office. They are called professional politicians and constitute the party machine. Surrounding this inner group—the High Command and the machine—there is a large circle of persons bound to the party by ties of tradition and emotional loyalty. They think of the principles professed by the party. They are more concerned with its ideals and symbols than with the acts of the professional party workers and leaders. They vote for the party ideal rather than for the party record. Outside this second ring lies that vast body of people who are not attached to any party. It is a floating population. The reason for their being unattached is either because they are aimless, thoughtless or because they have particular interests which are not included in the platform of any party. Those outside the second ring constitute the most vital field of action for a political party. They are the prize which a party must capture. To capture this prize it is not enough to enunciate principles and formulate policies. Men are not interested in principles and policies. But they are interested in accomplishing things. What is necessary for a party is to bring about concerted action. For in the words of President Woodrow Wilson, given self-Government with a majority rule, things can be accomplished not by individual voice but by concerted action. Now for concerted action what is necessary is the crystallization of individual opinions into public opinion. This crystallization or building up of public opinion as a sanction behind a particular principle becomes the main functions of a party. Theoretically, political parties are agencies for the expression and execution of public opinion but in practice parties create, direct, influence and often control

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public opinion. Indeed this is the chief function of a party. For this, a party must do two things. In the first place it must establish contact with the masses. It must go out among the masses with its wares—its principles, policies, ideas and candidates. In the second place it must carry on propaganda among the masses in favour of its wares. It must animate them and enlighten them, to quote Bryce again "Give the voters some knowledge of the political issues they have to decide, to inform them of their leaders, and the crimes of their opponents". These are the basic factors from which concerted action can arise. A party which fails to forge concerted action has no right to call itself a party.

Which of these things the Liberal Party has done as an organization? The Liberal Party has only the High Command. It has no machine. Not having any machine the high command is only a shadow. Its following is confined to that second concentric ring consisting of persons who are bound by ties of tradition. The leaders have nothing to evoke emotional loyalty. They have no war-cry to gather a crowd. The Liberal Party does not believe in mass contact. It would be difficult to imagine a party so completely isolated and insulated from the main mass of people. It does not believe in conversion. Not that it has no Gospel to preach ; but like the Hindu religion it is a non-proselytising creed. It believes in the formulation of principles and policies. But it does not work for giving effect to them. Propaganda and concerted action are anathema to the Liberal Party. Individual voices and annual meetings and clamour for invitation when a Cripps arrives or when the Viceroy decides to invite important individuals have become the limits of its political activity.

Is there any wonder if the Liberal Party has fallen into disrepute ? The Liberal Party has forgotten the most elementary fact that organization is essential for the accomplishment of any purpose and particularly in politics where the harnessing of so many divergent elements in a working unity is so great.

Who is responsible for this collapse of the Liberal Party in India ? However much we may regret to have to say it, I think it will have to be admitted that the responsibility for this catastrophe does to some extent fall on Ranade. Ranade belonged to the Classes. He was born and bred among them. He never became a man of masses. The Liberal Party has no machine and the reason why it did not forge a machine is because it did not believe in mass contact. This aversion to mass contact is the legacy of Ranade. In avoiding mass contact the party is following the tradition left by Ranade. There is another legacy of Ranade to the Liberal Party and that relates to the false faith in the driving force of principles and policies. Mazzini once said : "You may kill men, you cannot kill a great idea." To me it appears to be a most mistaken view. Men are mortal. So are ideas. It is wrong to hold that an idea will take roots *pro prio-vigore*. An idea needs propagation

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as much as a plant needs watering. Both will otherwise wither and die. Ranade agreed with Mazzini and did not believe that the fructification of an idea needed the resources of strenuous husbandry. If the Liberal Party is content with mere formulation of principles and policies it is also because of this tradition of Ranade.

What is the duty of the Liberals. All Liberals I know will say our duty is to follow the master. What else could be the attitude of a devout band of disciples ? But can anything be more mistaken or more uncritical ? Such an attitude implies two things. It means that a great man works by imposing his maxims on his disciples. It means that the disciples should not be wiser than the master. Both these conclusions are wrong. They do injustice to the master. No great man really does his work by crippling his disciple by forcing on them his maxims or his conclusions. What a great man does is not to impose his maxims on his disciples. What he does is to evoke them, to awaken them to a vigorous and various exertion of their faculties. Again the pupil only takes his guidance from his master. He is not bound to accept his master's conclusions. There is no ingratitude in the disciple not accepting the maxims or the conclusions of his master. For even when he rejects them he is bound to acknowledge to his master in deep reverence "You awakened me to be myself : for that I thank you." The master is not entitled to less. The disciple is not bound to give more.

It is therefore wrong to the master as well as to himself for the disciple to bind himself to the maxims and conclusions of his Master. His duty is to know the principles and if he is convinced of their value and their worth, to spread them. That is the wish of every Master. Jesus wished it, Buddha wished it. I am sure the same must be the wish of Ranade. It follows that if the Liberals have faith in, and love and respect for Ranade their supreme duty lies not merely in assembling together to sing his praises but in organising themselves for spreading the Gospel of Ranade.

What hope is there of the Liberals coming forward to fulfil this duty? Signs are very depressing. In the last election the Liberals did not even contest the seats. That of course is in itself a matter of some surprise. But this pales into nothing when one recalls the announcement made by the Rt. Hon'ble Srinivas Shastri—the Leading Light of the Liberal Party— that he wished the Congress to succeed ! ! There is no parallel to this except in the treacherous and treasonous conduct of Bhishma who lived on the bounty of the Kauravas but wished and worked for success to their enemies the Pandavas. This shows even the Liberals had lost faith in the gospel of Ranade. If this is the general condition of health of the Liberal Party it is better if the party died. It would clear the way for a new orientation and spare us the tedium of idle clatter of liberals and liberalism. For such an event even Ranade may express satisfaction from his grave.

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PART IV

ON CONSTITUTIONAL REFORMS

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7

EVIDENCE BEFORE THE SOUTHBOROUGH COMMITTEE ON FRANCHISE

Examined on : 27th January 1919

From the Report of the Reforms Committee (Franchise)

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EVIDENCE BEFORE THE SOUTHBOROUGH COMMITTEE

The Committee was constituted as under :

The Rt. Hon. Lord Southborough, G.C.B., G.C.V.O., G.C.M.C. *(Chairman).*

Sir Frank G. Sly, K.C.S.I., I.C.S.

Sahibzada Aftab Ahmed Khan.

The Hon'ble Babu Surendranath Banerjea.

The Hon'ble Mr. M. N. Hogg.

W. M. Hailey, Esq., C.S.I., C.I.E., I.C.S.

The Hon'ble Mr. Srinivasa Sastri (Not present on 25-1-1919 and 27-1-1919).

And the following added members :

L. C. Crump, Esq., I.C.S.

K. Natarajan, Esq.

P. C. Tallents, Esq., I.C.S. (*Secretary*).

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EVIDENCE BEFORE THE SOUTHBOROUGH COMMITTEE

WRITTEN STATEMENT

"The most difficult and the most momentous question of Government (is) how to transmit the force of individual opinion and preference into public action. This is the crux of popular institutions." So says Professor A.B. Hart. But this is only half the definition of popular Government. It is therefore necessary to emphasize the other half which is equal if not more in importance. As the Government is the most important field for the exercise of individual capacities, it is in the interest of the people that no person as such should be denied the opportunity of actively participating in the process of Government. That is to say popular Government is not only Government for the people but by the people. To express the same in a different way, representation of opinions by itself is not sufficient to constitute popular Government. To cover its true meaning it requires personal representation as well. It is because the former is often found without the latter that the Franchise Committee has to see in devising the franchises and constituencies for a popular Government in India, it provides for both, i.e., representation of opinions and representation of persons. Any scheme of franchise and constituency that fails to bring this about fails to create a popular Government.

2. Success in this task will ultimately depend upon the accuracy of the *de facto* conception of the society which is to be given the popular form of Government. *De facto* India was well portrayed by Lord Dufferin when he described it as a ...

> "Population . . . composed of a large number of distinct nationalities, professing various religions, practising diverse rites, speaking different languages, while many of them ... still further separated from one another by discordant prejudices, by conflicting sources of usages, and even antagonistic material interests. But perhaps the most patent characteristic

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of our Indian cosmos is its division into two mighty political communities as distant from each other as the poles apart—On the one hand the Hindus—with their elaborate caste distinctions—on the other hand, the Mohammedans—with their social equality. To these must be added a host of minor nationalities most of them numbering millions—almost as widely differentiated from one another by ethnological or political distinctions as are the Hindus from the Mohammedans, such as Sikhs, with their warlike habits and traditions and their enthusiastic religious beliefs, the Rohillas, the Pathans, the Assamese, the Baluchis and other wild and martial tribes on our frontiers, the hillmen dwelling in the folds of the Himalayas, our subjects in Burma, Mongol in race and Buddhist in religion, the Gonds, Mhars, Bheels and other non-Aryan people in the centre and south of India, and the enterprising Parsees, with their rapidly developing manufactures and commercial interests. Again, amongst these numerous communities may be found, at one and the same moment, all the various stages of civilization through which mankind has passed from the pre-historic ages to the present days."

3. Englishmen have all along insisted that India is unfit for representative Government because of the division of her population into castes and creeds. This does not carry conviction with the advanced wing of Indian politicians. When they say that there are also social divisions in Europe as there are in India they are amply supported by facts. The social divisions of India are equalled, if not outdone, in a country like the United States of America. Corresponding to those in the former, we have in the latter men bonded together in a criminal conspiracy and trust or combinations that prey upon the public. Not only are there political sub-divisions but also industrial, scientific, and religious associations, differing in their aims and their attitudes towards each other. Apart from political parties with diverse ends, social sets, cliques and gangs we find in the United States of America more permanent divisions of the population such as the Poles, Dutch, Swedes, Germans, Russians, etc., each with its own language, religious and moral codes and traditions. If social divisions unfit a country for representative Government, it should unfit the United States of America as much as India. But if with all the social divisions, the United States of America is fit for representative Government, why not India ? Ask the Indian politicians, so entrenched, it is difficult to dislodge them, and show that the social divisions of India are of a different kind or grant them their contention. Without these two there is no third alternative possible.

4. In my opinion their contention cannot be granted for the social divisions of India do matter in politics. How they matter can be best shown by understanding when they don't matter. Men live in a community by virtue of the things they have in common. What they must have in common in order to form a community are aims, beliefs, aspirations, knowledge,

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a common understanding; or to use the language of the Sociologists, they must be like-minded. But how do they come to have these things in common or how do they become like-minded? Certainly, not by sharing with another as one would do in the case of a piece of cake. To cultivate an attitude similar to others or to be like-minded with others is to be in communication with them or to participate in their activity. Persons do not become like-minded by merely living in physical proximity, any more than they cease to be like-minded by being distant from each other. Participation in a group is the only way of being like-minded with the group. Each group tends to create its own distinctive type of like-mindedness, but where there are more groups than one to be brought into political union, there would be conflict among the differently like-minded. And so long as the groups remain isolated the conflict is bound to continue and prevent the harmony of action. It is the isolation of the groups that is the chief evil. Where the groups allow of endosmosis they cease to be evil. For endosmosis among the groups makes possible a resocialization of once socialized attitudes. In place of the old, it creates a new like-mindedness, which is representative of the interests, aims, and aspirations of all the various groups concerned. Like-mindedness is essential for an harmonious life, social or political and, as has just been shown, it depends upon the extent of communication, participation or endosmosis. Applying this test to the divisions in India, we must pronounce upon them as constituting an obstacle in the path of realizing an harmonious political life.

5. The groups or divisions each with its set like-mindedness that are sure to be in conflict may be given as follows :

(1) Hindus;

(2) Mohammedans ;

(3) Christians ;

(4) Parsees;

(5) Jews, etc.

Except the Hindus the rest of the divisions are marked by such complete freedom of communication from within that we may expect their members to be perfectly like-minded with respect to one another. Regarding the Hindus, however, the analysis must be carried on a little farther. The significant fact about the Hindus is that before they are Hindus they are members of some caste. The castes are so exclusive and isolated that the consciousness of being a Hindu would be the chief guide of a Hindu's activity towards non-Hindu. But as against a Hindu of a different caste his caste-consciousness would be the chief guide of activity. From this, it is plain that as between two Hindus, caste-like-mindedness is more powerful than the like-mindedness due to their both being Hindus. Thus from within the Hindus, as from without, there is likely to be a conflict of like-minded persons. There are some who argue that this conflict runs through the whole

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gamut of the caste system. But this is protesting too much. From the point of view of communication the Hindus, in spite of castes, divide themselves into two significant groups—the touchables and the untouchables. The touchables have enough communication between them to enable us to say that the conflict of like-mindedness so far as they are concerned is not much to be dreaded. But there is a real difference and consequent conflict between the like-mindedness of the touchables and the untouchables. Untouchability is the strongest ban on the endosmosis between them. Their complete isolation accounts for the acuteness of the difference of like-mindedness.

The real social divisions of India then are :

(1) Touchable Hindus.

(2) Untouchable Hindus.

(3) Mohammedans.

(4) Christians.

(5) Parsees.

(6) Jews.

6. It will not do good to ignore these real divisions in devising a system of policy, if the policy is to take the form of popular Government. But if the success of popular Government depends upon how well the constituencies and franchises transmit the social forces and how well they secure personal representation ; we must first study the form which the conflict between these groups will assume in an election.

7. In a territorial constituency, which will group together voters belonging to the above groups, a majority of votes will declare a candidate to be a representative for the constituency in question. Now the question arises : is such a candidate, a true representative of the groups, covered by the territorial constituency ? Is he a true mirror of the mind of the constituency ? Is he a representative of all the interests in the constituency ? To be concrete, will a Hindu candidate represent Mohammedan interests ? At this stage it must be recalled that the various divisions described above are held together by a community of interests which are non-secular or purely religious. We cannot say that each division is held together by a community of interests which are secular or material. If so, then for secular purposes the groups will be broken up. From the point of view of material interests, there are no such people as Mohammedans, Parsees, Hindus, etc. There will be in each of these groups landlords, labourers, capitalists, free traders, protectionists, etc., each of the groups having community of interests which are material will be composed of Hindus, Mohammedans, Parsees, etc. Consequently, a Hindu candidate can very well represent the material interests of the Mohammedans and *vice versa*. There is thus no conflict of material interest in the main among the communities as such. If we suppose that religious interests in future will occupy a subordinate place in the

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affairs of men, the secular interests of a group can be well represented by a candidate from another group.

8. From this point of view a territorial constituency will be sufficient for a popular Government. A little more consideration will show that it will be sufficient for only one-half the definition of popular Government. How true it is, will be shown presently. In an electoral fight between the various groups in a territorial constituency the voters will discriminate in favour of a candidate with whom they are in sympathy. But with whom they will be in sympathy is determined for them in advance. Given two candidates belonging to different groups but purporting to represent the same interest, the voters will mark their votes on the person belonging to the same community. Any group yielding a large number of electors will have its own candidate elected. This discrimination on the part of the voters, though it may not leave unrepresented the interests of the members of the minor groups, leaves them without any chance of personal representation.

9. To those who are busy in devising schemes for the proper and adequate representation of interests and opinions dilating on the importance of personal representation is likely to seem idle. But personal representation is not therefore unimportant. In recent times "Government for the people" has claimed more attention than "Government by the people". In fact there are instances to show that "Government for the people" can exist in the best sense of the phrase without there being a "Government by the people." Yet all political theorists will unanimously condemn such a form of Government. And the why of it is important to know. It will be granted that each kind of association, as it is an educative environment, exercises a formative influence on the active dispositions of its members. Consequently, what one is as a person is what one is as associated with others. A Government for the people, but not by the people, is sure to educate some into masters and others into subjects; because it is by the reflex effects of association that one can feel and measure the growth of personality. The growth of personality is the highest aim of society. Social arrangement must secure free initiative and opportunity to every individual to assume any role he is capable of assuming provided it is socially desirable. A new rule is a renewal and growth of personality. But when an association—and a Government is after all an association—is such that in it every role cannot be assumed by all, it tends to develop the personality of the few at the cost of the many—a result scrupulously to be avoided in the interest of Democracy. To be specific, it is not enough to be electors only. It is necessary to be law-makers ; otherwise who can be law-makers will be masters of those who can only be electors.

10. Territorial constituencies are therefore objected to, and rightly, on the ground that they do nothing to prevent this absurd outcome. They erroneously suppose that electors will vote on the programmes of the

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candidates without any regard for their persona. As a matter of fact, the electors before they are electors are primarily members of a group. The persona of the candidates does matter with them. Naturally, therefore, as members of a group they prefer the candidate who belongs to their group to another candidate who does not belong to their group though both of them claim to represent the same interest. As a result of this preference the electors of a large group are destined to rise to a higher position of becoming eventual law-makers, while the electors of a smaller group for no fault of theirs are doomed to a lower position of remaining electors. One crux of popular Government is the representation of interests and opinions. The other crux is personal representation. Territorial constituencies fail to create popular Government because they fail to secure personal representation to members of minor groups.

11. If this is a correct analysis as to how the social divisions operate to the prejudice of the political life of some communities, never was a more improper remedy advocated to meet the situation than proportional representation. Proportional representation is intended to give proportionate representation to views. It presupposes that voters vote for a candidate because of his views and not because of his persona. Proportional representation is ill-suited for the purpose in hand.

12. We have therefore two possible methods of meeting the situation : either to reserve seats in plural constituencies for those minorities that cannot otherwise secure personal representation or grant communal electorates. Both have their usefulness. So far as the representation of the Mohammedans is concerned, it is highly desirable that they should participate in a general election with seats reserved for them in plural constituencies. The angularity of the division that separates the Hindus and Mohammedans is already sharp and communal representation, it may be urged, sharpens it the more. Communal election, however, seems to be a settled fact, so far as the Mohammedans are concerned and nothing is likely to alter it, even though alteration is likely to be beneficial.

13. But this argument is mainly intended to concern itself with the representation of the Hindus in general, and of the untouchable Hindus in particular. The discussion of the representation of the Hindus may be best introduced by a quotation which expresses the newer consciousness that has arisen in the various Hindu groups. It is said :

> "A community may claim representation only on the ground of separate interests which require protection. In India, such interests are of three kinds only : either they arise out of religious antipathies which are pretty strong in India, or out of the backward state of a community in educational matters, or out of the socio-religious disabilities to which a community may be subject. Confining ourselves to the Hindu communities there are certain communities who, besides being very

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backward, are suffering under a great social tyranny. The untouchable classes must have their own men in the Council Hall to fight for the redress of their grievances. The non-Brahmins as a class are subjected to the social and intellectual domination of the Brahmin priesthood and may therefore rightly advocate separate representation."

14. From this it will be seen that the new consciousness among the Hindus while acknowledging the separate interests of the untouchables does not accept the position that the touchable Hindus form a group by themselves. The new consciousness insists on dividing the touchable group into Brahmins and non-Brahmins each with its own separate interests. Separate electorates or reserved seats in mixed electorates are demanded for the three groups in which the Hindus are divided. Before dealing with the problems of the representation of the untouchables something will be said on the question of the Brahmins and non-Brahmins.

15. That the non-Brahmins are "backward in educational matters" cannot be said in any way to be their special interest. It is the general interest of all even of those Brahmins who are educationally backward. "The intellectual and social domination of the Brahmins" is not a matter that affects the non-Brahmins alone. It affects all and it is therefore the interest of all. What remains then as a special interest for the non-Brahmins to require their protection ?

The case for separate representation for non-Brahmins fails because they cannot prove to have a common non-Brahmin interest.

16. But do they fail to secure personal representation ?

This can be best shown by reference to figures—

	Group I		Group II	
Caste of Local Board voters	No. of voters for the Local Boards of the districts of Belgaum, Bijapur and Dharwar 2	Total population of the three districts	No. of voters for the Local Boards of the districts of Ratnagiri and Kolaba	Total population of the two districts
1	2	3	4	5
Brahmins . .	4,600	85,739	4,477	89,786
Lingayats . .	12,730	933,123	. . . .	. . . .
Marathas . .	1,074	255,526	3,667	446,077
Mahars . .	22	196,751	33	138,738
Mohammedans . .	661	295,838	1,169	106,273
Others . .	4,241	1,065,821	2,837	1,016,930
Total . .	23,328	2,832,798	12,183	1,797,804

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Reducing the above figures to the basis of a thousand we have the following interesting result :

	Group I			Group II		
Names of Castes	Proportion of population of a caste to every thousand of the population covered	Proportion of voters of a caste to every thousand of the population of the same caste	Proportion of voters of a caste to every thousand of voters	Proportion of population of a caste to every thousand of the population covered	Proportion of voters of a caste to every thousand of the population of the same caste	Proportion of voters of a caste to every thousand of voters
1	2	3	4	5	6	7
Brahmins . .	30.2	53.7	197.2	50.8	49.8	367.4
Lingayats . .	329.4	13.6	545.7	. . . .	. . . .	. . . .
Marathas . .	90.2	4.2	46.0	248.8	8.2	300.9
Mahars . .	69.5	0.1	0.9	74.5	0.2	2.7
Mohammedans . .	104.4	2.2	28.3	59.2	10.9	95.9
Others . .	376.2	3.9	181.3	562.2	2.8	232.8

So arranged, the conclusions to be drawn from these figures are highly important.

(1) The Brahmins, given a uniform franchise for all, though a small minority so far as numbers are concerned becomes a majority so far as the total of voters is concerned as is the case in Group II.

(2) Though with an uniform franchise the non-Brahmin communities like the Lingayats and Marathas do not fail to figure on the voters' list, the proportion of their voters to their population is insignificant as compared with the proportion which the Brahmin voters bear to the Brahmin population.

17. The proportion of the Brahmins to their voters is really extravagant. It is justified neither by faith in them nor by their own numbers. The Lingayats though they can legitimately complain that the proportion of their voters is small will succeed in securing personal representation. The Marathas though larger in numbers than the Brahmins, besides the very small proportion of their voters suffer on the voters' list and very likely will fail to secure personal representation for themselves.

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So argued, the case for special provision of the Marathas can be sustained and should be admitted.

18. The question is in what form the provision should take. In my opinion such provision instead of taking the form of separate electorates of reserved seats should take the form of a low pitched franchise. The franchise for the non-Brahmin should be lower than that for the Brahmin. By this arrangement the Marathas would improve their position on the voters' list and the altogether favoured position of the Brahmin would be equalized. It is in the interest of all that the Brahmin should not play such a preponderant part in politics as he has been doing hitherto. He has exerted a pernicious influence on the social life of the country and it is in the interest of all that his pernicious influence should be kept at a minimum in politics. As he is the most exclusive he is most anti-social.

19. Even the authors of the report on constitutional reforms are not in favour of a limited or uniform franchise. They say, "We consider that the limitations of the franchise, which it is obviously desirable to make as broad as possible, should be determined rather with reference to practical difficulties than to any prior considerations as to the degree of education or amount of income which may be held to constitute a qualification. It is possible that owing to unequal distribution of population and wealth it may be necessary to differentiate the qualifications for a vote not merely between provinces, but between different parts of the same province" (P. 147) To this I should like to add that we should differentiate the qualifications for a vote not merely between provinces or parts thereof but between communities of the same province. Without this differentiation some communities with a small but wealthy or educated population will secure more votes than a large community consisting of poor and uneducated members. Uniformity in franchise should be dispensed with. An important result will be that communal representation or reservation of seats for some non-Brahmin communities who are now clamouring for it would be avoided.

20. The untouchables are usually regarded as objects of pity but they are ignored in any political scheme on the score that they have no interests to protect. And yet their interests are the greatest. Not that they have large property to protect from confiscation. But they have their very *persona* confiscated. The socio religious disabilities have dehumanized the untouchables and their interests at stake are therefore the interests of humanity. The interests of property are nothing before such primary interests.

21. If one agrees with the definition of slave as given by Plato, who defines him as one who accepts from another the purposes which control his conduct, the untouchables are really slaves. The untouchables are so socialized as never to complain of their low estate. Still less do they ever dream of trying to improve their lot, by forcing the other classes to treat

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them with that common respect which one man owes to another. The idea that they have been born to their lot is so ingrained in their mind that it never occurs to them to think that their fate is anything but irrevocable. Nothing will ever persuade them that men are all made of the same clay, or that they have the right to insist on better treatment than that meted out to them.

22. The exact description of the treatment cannot be attempted. The word untouchable is an epitome of their ills and sufferings. Not only has untouchability arrested the growth of their personality but also it comes in the way of their material well-being. It has also deprived them of certain civil rights. For instance, in Konkan the untouchables are prohibited from using the public road. If some high caste man happens to cross him, he has to be out of the way and stand at such a distance that his shadow will not fall on the high caste man. The untouchable is not even a citizen. Citizen ship is a bundle of rights such as (1) personal liberty, (2) personal security, (3) rights to hold private property, (4) equality before law, (5) liberty of conscience, (6) freedom of opinion and speech, (7) right of assembly, (8) right of representation in a country's Government and (9) right to hold office under the State. The British Government by gradual growth may be said to have conceded these rights at least in theory to its Indian subjects. The right of representation and the right to hold office under the State are the two most important rights that make up citizenship. But the untouchability of the untouchables puts these rights far beyond their reach. In a few places they do not even possess such insignificant rights as personal liberty and personal security, and equality before law is not always assured to them. These are the interests of the untouchables. And as can be easily seen they can be represented by the untouchables alone. They are distinctively their own interests and none else can truly voice them. A free trade interest can be voiced by a Brahmin, a Mohammedan or a Maratha equally well. But none of these can speak for the interests of the untouchables because they are not untouchables. Untouchability constitutes a definite set of interests which the untouchables alone can speak for. Hence it is evident that we must find the untouchables to represent their grievances which are their interests and, secondly, we must find them in such numbers as will constitute a force sufficient to claim redress.

23. Now, will a general territorial electorate provided for the adequate return of the untouchables to the law-making body ? Referring back to the figures we find that the untouchables (represented in the table by the Mahars), though they formed 69.4 in every thousand of the population, did not claim even a voter from their class. Under such circumstances it is impossible for them to elect their own man in a general electorate. On the other hand they must despair of any votes being cast by the touchable Hindus for an untouchable candidate. The gradation of castes produces a certain

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theological basis which cuts the untouchables both ways : in the minds of the lower orders it creates a preference for the higher orders while it creates a contempt for the lower orders in the minds of the higher orders. Thus the ascending scale of preference and the descending scale of hatred and contempt beggars the untouchables both ways. Without giving a single vote to the untouchables the touchables are sure to make a large draft on the already meagre voting strength of the untouchables.

24. So situated, the untouchables with the largest interests at stake will be the greatest sufferers in a general territorial electorate. To give them an opening, special provision shall have to be made for their adequate representation. But before a scheme can be outlined it is necessary to see how much is the untouchable population in the Bombay Presidency. The Census Report for the Bombay Presidency for the year 1911 gives the following figures for castes which "cause pollution" :

Bhungis		93,691
Chamars, Mochis, Machigars		306,478
Sochis, Mhars, Holiyas, Dheds		1,470,992
Mangs, Madigs		274,037
	Total . .	2,145,193
To this must be added the Dhors amounting to		13,506
	Total Untouchables . .	2,158,699

The following figures give the distribution of the untouchables by districts :

District	Total population 1911	Total Hindu population	Total untouchable Population	Percentage of untouchables to the total population	Percentage of untouchables to the Hindu population
1	2	3	4	5	6
British Districts (excluding Aden).	19,628,477	14,920,267	1,627,980	8	10.9
1. Bombay City . .	979,445	664,042	89,052	9	11.6
Northern Division . .	3,685,383	3,117,263	245,050	6.6	7.8
2. Ahmedabad . .	827,809	693,155	78,869	10	11.4
3. Broach . .	306,717	192,935	22,390	7	11.6

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1		2	3	4	5	6
4. Kaira	. .	691,744	598,164	41,497	5.9	6.9
5. Panch Mahals	. .	332,695	274,339	14,410	4	5
6. Surat	. .	654,109	571,745	36,509	5.6	6
7. Thana	. .	882,309	786,925	50,010	5.6	6
Central Division	. .	6,387,064	5,993,828	7,73,184	12	13
8. Ahmednagar	. .	945,305	855,676	116,929	12	13.6
9. Khandesh (East)	. .	1,034,886	902,131	112,391	10.8	12
10. Khandesh (West)	. .	580,723	474,200	36,809	6	7.7
11. Nasik	. .	905,030	843,705	97,740	10.7	11
12. Poona	. .	1,071,512	991,725	113.118	12.4	13.3
13. Satara	. .	1,081,278	1,028,176	144,688	13	14
14. Sholapur	. .	768,330	703,215	129,063	16.7	18
Southern Division	. .	5,061,150	4,502,708	385,470	7.6	8.5
15. Belgaum	. .	943,820	817,797	83,199	8.8	10.1
16. Bijapur	. .	862,973	757,542	80,501	9	10.6
17. Dharwar	. .	1,026,005	872,885	52,540	5	6
18. Kanara	. .	430,548	383,624	10,767	2.4	2.9
19. Kolaba	. .	594,156	560,266	51,108	8.5	9.1
20. Ratnagiri	. .	1,203,638	1,110,594	107,354	8.9	9.7
Sind (British Districts)	. .	3,513,435	837,426	135,224	3.8	16

25. The total population of the Bombay Presidency by the Census of 1911 (British districts only) is 19,626,477. Of this the untouchable population is 1,627,980 or 8 per cent of the total. Assuming for the present the Bombay Legislative Council to consist of 100 elected members, the untouchables should have 8 representatives to represent them in the Council. If we distribute one representative to every 200,000 of the people (which is just the ratio of 100 representatives to the 20 millions of the population), then the untouchables can by right claim 8 representatives to themselves. But the untouchables of the Bombay Presidency may be allowed to elect 9 members in all. The election of one additional member will be justified later on.

26. Allowing them to elect 9 members, the constituencies which are to elect them should be as follows:

1. The various districts of the Presidency except the City of Bombay and the Province of Sind should be grouped together on a linguistic basis as follows:

I. Gujarathi-speaking districts		II. Marathi-speaking districts		III. Kanarese-speaking districts	
1. Ahmedabad	78,969	1. Thana	50,010	1. Dharwar	52,540
2. Broach	22,390	2. Kolaba	51,108	2. Bijapur	80,503
3. Kaira	41,497	3. Ratnagiri	107,354	3. Belgaum	83,199
4. Panch Mahals . .	14,410	4. Ahmednagar	116,929	4. Kanara	10,758
5. Surat	36,509	5. Khandesh West	36,809		
		6. Khandesh East. . . .	112,391		
		7. Satara	144,738		
		8. Poona	148,118		
		9. Nasik	96,740		
		10. Sholapur	129,063		

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27. The following should be the constituencies of the untouchables and the number of representatives which each constituency should elect:

Language	District	Population in each district	Population in each constituency	Number of the constituency	Number of representatives to be elected by the constituency
1	2	3	4	5	6
	Bombay City ..	89,052	89,052	I	1
I. Gujarathi	1. Ahmedabad ..	78,869	193,675	II	1
	2. Broach ..	22,390			
	3. Kaira ..	41,497			
	4. Panch Mahals ..	14,410			
	5. Surat ..	36,509			
II. Marathi	1. Thana ..	50,010	208,472	III	1
	2. Kolaba ..	51,108			
	3. Ratnagiri ..	107,354			
	4. Ahmednagar ..	116,929	363,869	IV	2
	5. Khandesh East ..	112.391			
	6. Khandesh West ..	36,809			
	7. Nasik ..	97,740			
	8. Satara ..	144,688	406,869	V	2
	9. Poona ..	133,118			
	10. Sholapur ..	129,063			
III. Kanarese	1. Belgaum ..	83,199	227,007	VI	
	2. Bijapur ..	80,501			
	3. Dharwar ..	52,540			
	4. Kanara ..	10,767			
	Sind ..	135,224	135,224	VII	1

Total number of representatives to be elected by the untouchables of the Presidency.

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These 9 elected members should form a constituency to elect one member from among themselves to represent the untouchables of this Presidency in the Imperial Legislative Council.

28. It may be objected that though 8 representatives are not in excess to the untouchable population it may be in excess to the voting strength of untouchables. That the untouchables are a poor community and that under the same franchise they yield per thousand a smaller proportion of voters than other communities is a fact. But if the grave position of the untouchables is admitted instead of restricting their number of representatives, the aim should be to increase the number of their voters, i.e., we must aim at lowering the franchise so far as the untouchables are concerned.

29. What the franchise should be is a very important question. There is a line of argument which urges that franchise should be given to those only who can be expected to make an intelligent use of it. As against this view it can be said in the words of Prof. L. T. Hobhouse that it is true that "the success of democracy depends on the response of voters to the opportunities given them. But conversely the opportunities must be given in order to call forth the response. The exercise of popular Government is itself all education ... enfranchisement itself may precisely be the stimulus needed to awaken interest. The ballot alone effectively liberates the quiet citizen from the tyranny of the shouter and the wire-puller. An impression of existing inertness alone is not a sufficient reason for with-holding responsible Government or restricting the area of sufferage." Taking into consideration that sufferage is an education and that there are groups with unequal distribution of wealth and education among them and that these groups are not sympathetically like-minded, the authors of the reports rightly argue that the case for uniformity of franchise cannot be sustained.

30. But in the case of the untouchables there are as few reasons for curtailing the number of their representatives as the reasons for widening their electorate are many. If under a given franchise the untouchables do not muster strong as electors, it is not their fault. The very untouchability attached to their person is a bar to their moral and material progress. The principal modes of acquiring wealth are trade, industry or service. The untouchables can engage in none of these because of their untouchability. From an untouchable trader no Hindu will buy. An untouchable cannot be engaged in lucrative service. Military service had been the monopoly of the untouchables since the days of the East India Company. They had joined the Army in such large numbers that the Marquis Tweedledale in his note which he submitted to the Indian Army Commission of 1859 wrote, "It should never be forgotten that India was conquered with the help of the low-caste men.". But after the mutiny when the British were able to secure soldiers from the ranks of the Marathas, the position of the low-caste men who had been the prop of the Bombay Army became precarious, not

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because the Marathas were better soldiers but because their theological bias prevented them from serving under low-caste officers. The prejudice was so strong that even the non-caste British had to stop recruitment from the untouchable classes. In like manner, the untouchables are refused service in the Police Force. In a great many of the Government offices it is impossible for an untouchable to get a place. Even in the mills a distinction is observed. The untouchables are not admitted in Weaving Departments of the Cotton Mills though many of them are professional weavers. An instance at hand may be cited from the school system of the Bombay Municipality. This most cosmopolitan city ruled by a Corporation with a greater freedom than any other Corporation in India has two different sets of schools ... one for the children of touchables and the other for those of the untouchables., This in itself is a point worthy of note. But there is something yet more noteworthy. Following the division of schools it has divided its teaching staff into untouchables and touchables. As the untouchable teachers are short of the demand, some of the untouchable schools are manned by teachers from the touchable class. The heart-killing fun of it is that if there is a higher grade open in untouchable school service, as there is bound to be because of a few untouchable trained teachers, a touchable teacher can be thrust into the grade. But if a higher grade is open in the touchable school service, no untouchable teacher can be thrust into that grade. He must wait till a vacancy occurs in the untouchable service ! ! ! Such is the ethics of the Hindu social life. Under it if the untouchables are poor, the committee, it may be hoped, will not deny them representation because of their small electoral roll but will see its way to grant them adequate representation to enable the untouchables to remove the evil conditions that bring about their poverty. At present when all the avenues of acquiring wealth are closed, it is unwise to require from the untouchables a high property qualification. To deny them the opportunities of acquiring wealth and then to ask from them a property qualification is to add insult to injury. Just what sort of franchise and just what pitch are required to produce sufficient voting strength from the untouchables ? In absence of data, I leave it to the Committee to decide. It would be better to pitch the franchise so low as to educate into political life as many untouchables as possible. They are too degraded to be conscious of themselves. I only wish to emphasize that in deciding upon the representation of the untouchables the Committee looking to their interests at stake will not let the extent of the electorate govern the number of representatives, but will rather let the number of representatives govern the extension of the electorate.

31. In this connection it would not be improper to remind the Committee of Lord Morley who is reported to have said that "the object of Government was that the Legislative Councils should represent truly and effectively with reasonable approach to the balance of real social forces, the wishes and needs of the communities concerned. This could not be done by Algebra,

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Arithmetic, Geometry or Logic, but by a wide outlook. He saw no harm as to a compromise that while numbers should be the main factor in determining the extent of representation modifying causes might influence the number of representatives." It is therefore proposed that the untouchables of the Bombay Presidency should be allowed to elect 9 members through the constituencies made up as above. These 9 members will further form a constituency to elect one member from among themselves to represent the untouchables in the Imperial Legislative Council leaving 8 members to represent the untouchables in the Bombay Legislative Council.

32. Besides communal electorates there are other schemes in the field for the representation of the untouchables. It would not be proper to close this statement without a word of comment on those Schemes.

33. The Congress has denied communal representation except in the case of Mohammedans and it also denies the extensive use of nomination ; the only way then left, open to the untouchables is to fight in a general electorate. Now this is as it should be if all were equally free to fight. To educate the untouchables by Shahtras into pro-touchables and the touchables into anti-untouchables and then to propose that the two should fight out at an open poll is to betray signs of mental aberration or a mentality fed on cunning. But it must never be forgotten that the Congress is largely composed of men who are by design political Radicals and social Tories. Their chant is that the social and the political are two distinct things having no bearing on each other. To them the social and the political are two suits and can be worn one at a time as the season demands. Such a psychology has to be laughed at because it is too interested to be seriously taken into consideration either for acceptance or for rejection. As it pays to believe in it, it will die a hard death. Starting from this unnatural premise the Congress activities have been quite natural. Those who attend the Congress do not care to attend the National Social Conference held in the same pandal. In fact those who attend the Congress had once started a campaign to refuse the use of the pandal to the Conference which was once refused the pandal in the city of Poona, the roosting place of the intelligentia of our Presidency, As the Congress is a non-national or anti-national body, its views on communal electorates are worthy of no serious consideration.

34. The moderates in their separate meeting have been more kindly than just. They proposed the reservation of seats for backward communities in plural constituencies. They have not specified the number of seats for the untouchables. But the general sense of many enlightened moderates and others kindly inclined is that one or two representatives of the untouchables in the Legislative Council would suffice. It is impossible to agree with these gentlemen though they are entitled to gratitude for this much sympathy. One or two representatives of the untouchables are as good as having none.

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A Legislative Council is not an old curiosity shop. It will be a Council with powers to make or mar the fortunes of society. How can one or two untouchables carry a legislative measure to improve their condition or prevent a legislative measure worsening their state ? To be frank, the untouchables cannot expect much good from the political power to be given over to the high caste Hindus. Though the power may not be used against the untouchables and one cannot be altogether sure of this, it may not be used for their betterment. A Legislative Council may be sovereign to do anything it likes, but what it will like to do depends upon its own character. The English Parliament, we may be certain, though it is sovereign to do anything, will not make the preservation of blue-eyed babies illegal. The Sultan will not, though he can, change the religion of Mohammed just as the Pope will not, though he can, overthrow the religion of Christ. In the same way legislature, mainly composed of high caste men, will not pass a law removing untouchability, sanctioning inter-marriages, removing the ban on the use of public streets, public temples, public schools ; in short, cleansing the person of the untouchables. This is not because they cannot, but chiefly because they will not. A legislature is the product of a certain social condition and its power is determined by whatever determines society. This is too obvious to be denied. What may happen in future can be guessed from what has happened in the past. The high caste men in the Council do not like any social question being brought before the legislature, as may be seen from the fact of the Resolution introduced by the Honourable Mr. Dadabhoy in 1916 in the Imperial Legislative Council. That it was adversely criticized by many who claimed to evince some interest in the untouchables is too well known to need repetition. But what is not well known is that though the resolution was lost the mover was not pardoned ; for the very moving of such a nasty resolution was regarded as a sin. At a subsequent election the mover had to make room for the Honourable Mr. Khaparde, who once wrote in an article : " Those who work for the elevation of the untouchables are themselves degraded."

Isn't this sympathy of the higher castes for the untouchables, sympathy with a vengeance ?

35. Those who tell that one or two members would suffice for the untouchables fail to grasp the true import of political right. The chief import of a political right though technically summed up in the power to vote does lie either in voting upon for laws or for those who make laws ; neither does it consist in the right to speak for or against a certain measure nor in being able to say "yea or nay" upon roll-call; to be able to put into a ballot-box a piece of paper with a number of names written thereon is an act which, like those mentioned above, of itself possesses no value which stamps it as inherently superior to many of the most ordinary transactions of daily life. They are educative but as much as any transaction

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is. The chief significance of sufferage or a political right consists in a chance for active and direct participation in the regulation of the terms upon which associated life shall be sustained. Now the terms upon which the associated life between the touchables and untouchables is carried on today are the most ignominious to the former and highly detrimental to the latter. To make effective the capacities of a people there must be the power to fix the social conditions of their exercise. If the conditions are too obdurate, it is in the interest of the untouchables as well as of the touchables that the conditions should be revised. The untouchables must be in a position to influence the revision. Looking to the gravity of their interests, they should get their representation as proposed in proportion to their population. One or two is only kind but neither just nor sufficient. As Lord Morley says in an earlier quotation, needs not numbers should govern the extent of representations.'

36. Recently there is brought into the forefront a rival scheme for the representation of the untouchables by the Depressed Class Mission. The scheme is known as co-option. The scheme proposes that the representatives of the untouchables should be nominated by the co-option of the elected members of the Council. Whether one should laugh or cry at the solicitude of the Mission for the untouchables it is rather difficult to decide. To cry is to believe that such a silly scheme would ever be adopted. The best way is to laugh it out. From the scheme can be easily seen that what is some times called benevolent interest in others may be an unwilling mask for an attempt to dictate to them what their good shall be, instead of an endeavour to agree with them so that they may seek and find the good of their own choice. The Mission, it must be said, was started with the intention of improving the condition of the Depressed Classes by emancipating them from the social tyranny of their high caste masters. But the Mission has fallen on such bad times that it is forced to advocate a scheme by which its wards or their representatives will be bounden slaves of their past masters. The masters and the mission have thus met and evolved a scheme which will keep the Depressed classes eternally depressed without any hope of deliverance. Such tactics do not deceive the untouchables ignorant as they are ; much less will they deceive the Franchise Committee. From another point of view the scheme of the Mission is unacceptable. It is aggravating to see the Mission proposing a scheme for the representation of the untouchables while persistently refusing to admit an untouchable in its governing council. Interested and officious as it is, its scheme must be rejected.

37. Nomination even though by Government in itself to be preferred to the former kind of nomination, is to be objected to from the stand-point of the untouchables. Apart from restricting the freedom of the representatives it fails to give political education which is the urgent need of all communities, much more of the untouchables.

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38. At this stage we must consider the argument against communal representation. The first argument raised by the authors of the report is to the effect "that the history of self-government among the nations who have developed it is decisively against" communal representation. But on an earlier page the authors say that the difference of caste and creeds must be taken "into account as presenting a feature of Indian Society which is out of harmony with the ideas on which elsewhere in the world representative institutions rest" (page 97). In writing the former the later analysis of the situation must have vanished from their minds, else we must say that the authors could hold two opposing views at the same time. Presented in juxtaposition, the authors must be expected to agree to communal representation on the score of an exceptional remedy required to meet an exceptional situation.

39. Another and chief argument against communal representation is that it will perpetuate social divisions. The fun of it is that those who uphold the social divisions are the loudest in their expression of this adverse argument. The committee will please note that those who are the opponents of communal representation on this score are also the staunchest opponents of Mr. Patel's Inter-Caste Marriage Bill as a caste-breaking bill. The sincerity of those who bring forward this argument is seriously to be doubted. But as even the authors of the report have put it as a second count against communal representation, this particular argument must be met if possible.

Does communal representation perpetuate social divisions ? If you look upon communal representation as making electoral Colleges of social divisions, the criticism may be said to be valid. This is true only if it is presupposed that the divisions are no real divisions and that they don't matter. This is as false a pre-supposition as that of inviting India which is made when it is said that Englishmen are unsocial. Communal Representation is a device to ward off the evil effects of the divisions. To those who, while agreeing to this particular benefit of communal representation, object to it on the score that it perpetuates the divisions it can be shown that there is another perspective from which it can be said that communal representation instead of perpetuating the social divisions is one of the ways of dissolving them.

40. While communal electorates will be co-terminous with social divisions their chief effect will be to bring together men from diverse castes who would not otherwise mix together into the Legislative Council. The Legislative Council will thus become a new cycle of participation in which the representatives of various castes who were erstwhile isolated and therefore anti-social will be thrown into an associated life. An active participation in an associated life, in its turn, will not leave unaffected the dispositions and attitudes of those who participate. A caste or a religious group to-day is a certain attitude. So long as each caste or a group remains isolated its attitude remains fossilized. But the moment the several castes and groups

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begin to have contact and co-operation with one another the resocialization of the fossilized attitude is bound to be the result. If the Hindus become resocialized with regard to their attitude towards Mohammedans, Christians, etc., and the Mohammedans, Christians, etc., become resocialized with regard to their attitudes towards the Hindus, or the touchable Hindus with regard to the untouchables, caste and divisions will vanish. If caste is an attitude and it is nothing else, it must be said to be dissolved when that particular attitude symbolizing the caste is dissolved. But the existing set attitude representing the diverse castes and groups will be dissolved only if the diverse groups meet together and take part in a common activity. Such changes of disposition and attitudes will not be ephemeral but will, in their turn influence associated life outside the Council Hall. The more opportunities are created for such conjoint activities the better. The resocialization will then be on a larger scale and bring about a speedier end of caste and groups. Thus those who condemn communal representation on the score of perpetuating the existing divisions will welcome it, on reflection, as a potent solvent for dissolving them.

41. The importance and necessity of communal and adequate representation of untouchables is beyond question. The depth of emotion with which the untouchables speak on this topic must have been easily gauged when the untouchables of the Madras Presidency told Mr. Montagu that there would be bloodshed if Home Rule for India was not accompanied by communal representation to the untouchables. The authors of the Report however are actuated by a faith in the intelligentsia to effect all reforms fox the elevation of the untouchables from permanent degradation and ostracism. They say "they find the educated Indian organizing effort not for political ends alone but for various forms of public and social service.". As the authors have connived at the demands of the untouchables on this score it is but proper to investigate whether their faith is well grounded. On education and its social value the words of Joseph Addison are not too stale to be recalled. He said, "There can be no greater injury to human society than that good Talents among men should be held Honourable to those who are endowed with them without any regard how they are applied. The Gifts of Nature and the Accomplishments of Art are valuable but as they are exerted in the interest of virtue or governed by the Rules of Honour, we ought to abstract our minds from the observation of an excellence in those we converse with, till we have taken some notice or received some good information of the Disposition of their Minds, otherwise they make us fond of those whom our reason and judgment will tell us we ought to abhor."

42. Statistics will show that the intelligentia and the Brahmin caste are exchangeable terms. The disposition of the intelligentsia is a Brahmin disposition. Its outlook is a Brahmin outlook. Though he has learned to speak in the name of all, the Brahmin leader is in no sense a leader of the

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people. He is a leader of his caste at best, for he feels them as he does for no other people. It is not intended to say that there are no Brahmins who feel for the untouchables. To be just, there are a few more moderate and rational Brahmins who admit the frightful nature of the institution of untouchability in the abstract and perceive the dangers to society with which it is fraught. But the great majority of the Brahmins are those who doggedly deny the horrors of the system in the teeth of such a mass of evidence as never was brought to bear on any other subject and to which the experience of every day contributes its immense amount; who, when they speak of freedom, mean the freedom to oppress their kind and to be savage, merciless and cruel, and whose inalienable rights can only have their growth in the wrongs of the untouchables. Their delicate gentility will neither bear the Englishmen as superior nor will it brook the untouchables as equal. "I will not tolerate a man above me, and of those below none must approach too near" sums up the true spirit of their social as well as political creed. Those who speak against the anti-social spirit of the Brahmin leaders are often cautioned that in their denunciation they do not pay sufficient regard to the existence of the first class of Brahmin leaders. This is no doubt the case. Noble but very rare instances of personal and pecuniary sacrifice may be found among them just as may be found to be tender in the exercise of their unnatural power. Still it is to be feared that this injustice is inseparable from the state of things with which humanity and truth are invoked to deal. The miserable state of the untouchables is not a bit more tolerable because some tender hearts are bound to show sympathy, nor can the indignant tide of honest wrath stand still because in its course it overwhelms a few who are comparatively innocent among a host of guilty.

43. The trend of nationalism in India does not warrant us to believe that the few who are sympathetic will grow in volume. On the other hand it is the host of guilty that time is sure to multiply. With the growth of political agitation, the agitation for social reform has subsided and has even vanished The Prarthana Samaj, the Brahmo Samaj with their elevating influence have become things of the past. The future has few things like these in store. The growth of education if it is confined to one class, will not necessarily lead to liberalism. It may lead to the justification and conservation of class interest; and instead of creating the liberators of the down-trodden, it may create champions of the past and the supporters of the *status quo*. Isn't, this the effect of education so far ? That it will take a new course in future *ceteris paribus,* there is no ground to believe. Therefore, instead of leaving the untouchables to the mercy of the higher castes, the wiser policy would be to give power to the untouchables themselves who are anxious, not like others, to usurp power but only to assert their natural place in society.

44. This gigantic world war, however motivated, has yielded what is known as the principle of self-determination which is to govern international

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relations of the future. It is happy to note that the pronouncement of the 20th August 1917 declared the application of the principle to India — a principle which enunciates the rule that every people must be free to determine the conditions under which it is to live. It would be a sign of imperfect realization of the significance of this principle if its application were restricted to international relations, because discord does not exist between nations alone, but there is also discord between classes from within a nation. Wittingly our Indian politicians in their political speeches and harangues hold to the *de jure* conception of the Indian people. By the *de jure* conception they conceive of the Indian people as by nature one and emphasize the qualities such as praiseworthy community of purpose and welfare, loyalty to public ends and mutuality of sympathy which accompany this unity. How the *de jure* and *de facto* conceptions conflict, it is hoped, the committee will not fail to realize. As an instance the following may be noted. The moral evil to the Indian people of their conquest and subjugation by the British is a theme which is very attractive to the Brahmin politicians, who never fail to make capital out of it. The moral evils were once portrayed by John Shore in his "Notes on Indian Affairs" written in 1832. The late Honourable Mr. Gokhale once voiced the same feeling when speaking about the "excessive costliness of the foreign agency". He said :

> "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 the 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 schoolboy at Eton and Harrow may feel, that he may one day be a Gladstone or Napoleon 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.".

45. I beg to invite the attention of the Committee whether these sentiments which have been voiced by a Brahmin (a noble Brahmin to be sure) to the disgrace of the British bureaucracy cannot be more fittingly voiced by the untouchables to the disgrace of the Brahmin oligarchy? May it be said to the credit of the bureaucracy, that it has disproved the charge of being wooden and shown itself susceptible to feeling by proposing changes in the system of the Government which has dwarfed the personality of those for whom it was devised. But can the oligarchy claim anything half as noble? Their belief is that the Hindu social system has been perfected for all time

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by their ancestors who had the superhuman vision of all eternity and supernatural power for making infinite provision for future ages. This deep ingrained ethnocentrism has prevented a reconstruction of Hindu Society and stood in the way of a revision of vested rights for the common good. A farce of a conference for the removal of untouchability was enacted in March 1918 in Bombay. Doctor Kurtakoti, the Shankaracharya of Karvir fame, though promised to attend, left for Northern India just a day or two before the conference met, on some urgent business. Mr. Tilak is credited with a short speech at the conference which has for the good luck of Mr. Tilak remained unreported. But this was only lip sympathy shown to hoodwink the untouchables for when the draft of the proclamation removing untouchabilily was presented to Mr. Tilak, it is known on creditable evidence that he refused to honour it with his signature.

46. Here is disclosed a patent disharmony within a nation and therefore a proper field for the application of the principle of self-determination. If the advanced classes are clamouring for its application to India and if the powers that be have sanctioned it, however partially, to ward off the future stunting and dwarfing of the Indian people, may not the untouchables with justice claim its benefit in their own interest ? Admitting the necessity of self-determination for the untouchables communal representation cannot be withheld from them, for communal representation and self-determination are but two different phrases which express the same notion.

Supplementary Written Statement of Mr. Bhimrao R. Ambedkar

1. The object of this supplement is primarily, to show how the scheme of representation which I have recommended for the untouchables of the Bombay Presidency in my previous statement can be fitted into the scheme of representation proposed by the Government of Bombay for the composition of the Legislative Council.

2. First I wish to propose certain changes in number of seats assigned by the Government to the various main constituencies. The several changes proposed are indicated in the following table :

Distribution of Seats among	By Govt.	By me
(1) Zamindars and Jahagirdas of Sind ...	1	1
(2) Sardars of Gujarat	1	1
(3) Sardars of Deccan	1	1
(4) Bombay University	2	2
(5) Europeans	4	4
(6) Sindh Hindus	3	4
(7) Mohammedans	18	10
(8) Six cities	18	.17
(9) Twenty-six Districts of the Presidency ...	52	60
Total ...	100	100

3. As regards the method of election proposed for I, II, III, IV & V of the above constituencies, I agree with the Government.

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4. The Government has reserved 3 seats for the Sindh Hindus. I have proposed 4 of them, one of which should be earmarked for the untouchables of Sind to be filled by a communal electorate.

5. For the 6 cities I have reserved 17 seats. Of this I propose that Bombay should be given 10. Of the 10 seats the untouchables of the city should be given 1 seat, also to be filled by a communal electorate.

6. So far it is shown how the Sind untouchables and their fellows in Bombay can be provided for. In addition to these two seats the untouchables of the Presidency proper, excluding the city of Bombay, should be given 7 seats. The constituencies among which these 7 seats are to be distributed, I have indicated on page 7 of my previous statement. It is in this fashion that the 9 seats for the untouchables of the Presidency should be carved out. The Government of Bombay finds difficulty in defining the Depressed Classes.

The difficulty is not a real difficulty, for, for all practical purposes the untouchables and the Depressed classes are the same. Knowing full well the degradation of the untouchables, the callousness of the Bombay Government is appalling. By refusing to make provision for the representation of the Depressed classes the Government have deliberately thrown the gravest of interests into the greatest of perils—a calamity which I am sure the Committee will avert.

7. Having taken out 7 seats from the 60, I propose to distribute the remaining 53 among the touchable population of the 26 districts as follows :

I allow, though cannot quite agree with the Government, that the 7 districts of Sind should elect 14 members on the basis of 2 per district. But in the case of the 19 districts which are outside Sind I feel that a two-member constituency will not suffice, principally because the touchable Hindu population is not homogeneous. In order to satisfy the aspirations of the subdivisions of the touchable Hindus we must at least in some cases give up the principle of a two-member constituency. [91 (2)] To distribute the 39 seats among the 19 districts in question I should first group the districts on linguistic basis as follows :

	Districts				Touchable Hindu Population
		I Gujarathi			
(1)	Ahmedabad	...	...	...	614, 286
(2)	Broach	...	...	...	170, 545
(3)	Kaira	...	...	...	556, 667
(4)	Panch Mahals	...	...	...	259, 929
(5)	Surat	...	...	...	535, 236
				Total	21, 36, 663
		II Marathi			
(1)	Thana	...	...	...	736, 915
(2)	Kolaba	...	...	...	509, 158
(3)	Ratnagiri	...	...	...	1, 003, 240
(4)	Ahmednagar	...	...	...	738, 747

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	Districts				Touchable Hindu Population
(5)	Khandesh East	...	...	...	789, 740
(6)	Khandesh West	...	...	...	437, 391
(7)	Nasik	...	...	...	745, 965
(8)	Satara	...	...	...	883, 488
(9)	Poona	...	...	...	858, 607
(10)	Sholapur	...	...	...	574,152
			Total	...	72, 77, 403
		III KANARESE			
(1)	Belgaum	...	...	...	734, 598
(2)	Bijapur	...	...	...	677, 041
(3)	Dharwar	...	...	...	820, 345
(4)	Kanara	...	...	...	372, 857
			Total	...	26, 04, 841

Grand total of touchable Hindus in the 19 Districts concerned 12,018,907.

Of the 39 seats to be distributed I should give 8 seats to the Gujarati. 23 to the Marathi and 8 to the Kanarese districts.

The actual constituencies may be as under :

Language Districts	Population in each constituency	Number of the Constituency	Number of Representatives to be elected by the Constituency
1	2	3	4
	I GUJARATHI		
(1) Ahmednagar	.. 614, 286	I	2
(2) Broach	.. 727, 212	II	3
(3) Kaira	..		
(4) Panch Mahais	.. 795, 165	III	3
(5) Surat	..		
	II Marathi		
(1) Thana	.. 1, 246, 073	IV	4
(2) Kolaba	..		
(3) Ratnagiri	.. 1, 003, 240	V	2
(4) Ahmednagar	.. 1, 484, 712	VI	3
(5) Nasik	..		
(6) Khandesh East	.. 1, 227, 131	VII	3
(7) Khandesh West	..		
(8) Satara	.. 883, 488	VIII	*
(9) Poona	.. 858, 607	IX	3
(10) Sholapur	.. 574, 152	X	3

*No Figure is shown against the Satara district in the original.

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1	2	3	4
	III KANARESE		
(1) Belgaum (2) Bijapur	.. 1,411,639	IX	4
(3) Dharwar (4) Kanara	.. 1,193,202	XII	4
Total number of representatives for the 19 districts 39.			

The Principal advantage of such a grouping is that the demand of the Marathas and the Lingayats can be satisfied without resorting to communal representation. There is no sacredness about a district that can plead against transcending its boundaries for political purposes when such a transcending enables us to minimise the field for communal representation.

8. I have differed from the Government of Bombay on the number of representatives to be given to the Mohamedans. Of the two bases, population and the Congress Scheme, the Government of Bombay have preferred the latter without even making a show of reasoning. In doing so they have contravened the most considered opinion of the authors of the Reforms Scheme who say that there is no basis other than that of negotiation for the proportion of Mohammedan representation fixed in the Congress League Scheme. It must be urged that looking to its composition the Congress is a body whose vicarious promises can never be binding on the vast population who have played no part in its deliberations.

9. The Mohammedans of this presidency form 20 per cent of the total population. On the basis of population therefore, they are entitled only to 20 seats out of the 100 elective seats. But tempering population by need I think 24 seats ought to satisfy them. Any excess over this cannot be tolerated as it will be at the cost of the other communities. Of these 24, the 7 districts of Sind on the basis of 2 per district will return 14 Mohammedans. The other 10 seats may be distributed as follows :

	Population	No. of Representatives
(1) Bombay City	... 179, 246	2
(2) Northern Division	... 342, 696	2
(3) Central Division	... 367, 509	3
(4) Southern Division	... 457, 997	3
	Total ...	10

I should prefer linguistic grouping to divisional grouping even in the case of the Mohammedans. I fail to see how a Mohammedan from Thana can have any affiliation with a Mohammedan of Surat though both the districts come under the same division. To group together for political purposes people who are ethnically different is absurd.

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Mr. Bhimrao R. Ambedkar called and examined

Sir Frank Sly: He was a professor in the Sydenham College of Commerce. He graduated from the Elphinstone College, Bombay and was an M.A. of the Columbia University, New York. He was a Mahar by caste and his statement dealt largely with the depressed classes.

So far as the Hindu community was concerned, he divided them into two classes, touchables and untouchables; a distinction which was unmistakable in practice and more convenient than a division by castes. He recognised also a distinction between Brahmins and non-Brahmins, but this was of less importance. The distinction between Brahmin and non-Brahmin would not make much difference as regards the attitude of voter to a candidate, but the distinction between touchable and untouchable would make a very great difference.

He did not think there was any necessity for communal electorates for non-Brahmins as, if three-member constituencies were granted according to his supplementary statement, non-Brahmins would get some seats. From the figures in para 16 of his written statement he intended to show that on a uniform property qualification, a community which might be in a minority with regard to population might be in a majority in respect of voting strength ; some of the communities that he had mentioned might be minorities in the whole province, but majorities in particular districts. They should try to reduce the fever for communal representation as much as possible, and he therefore recommended three-member constituencies.

He wanted a variation of the franchise for the untouchables ; but, if constituencies with more than two members were adopted, the lowering of the franchise became a matter of less importance. In the case of a small constituency, for instance, the Marathas, it might be desirable to group them.

If a particular community had a majority of votes in a constituency, there was no need for that community to have separate communal representation. If the untouchables had a majority of votes in a particular constituency, he would not ask for communal representation. It was because they were in a minority and would always remain so on a uniform franchise that he asked for separate representation. His justification for asking for a low franchise was that as a result of being untouchable, the untouchables had no property ; they could not trade because they could not find customers. He remembered a case in which a Mahar woman was taken to the police court for selling water-melons. He was not aware of the conditions outside the Bombay Presidency. In the mills in the Bombay Presidency the untouchables were not yet allowed to work in the weaving department ; in one case an untouchable did work in the weaving department of a mill saying that he was a Mohammedan, and when found out, he was severely beaten.

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The definition of an "untouchable" as a person who would cause pollution by his touch, was a satisfactory one for electoral purposes. It was not the case that some castes were considered to be untouchable in some districts and touchable in others.

According to his classification the untouchables amounted to about 8 per cent of the population, but he had proposed 9 seats which would make about 9 per cent. These seats should be filled by separate communal election.

He was aware that the untouchable in his present state of development was in no way qualified to give a responsible vote. In the whole Bombay Presidency there were one B.A. and 6 or 7 matriculates among the depressed classes. The proportion of those who were literate in English was very small, but not much smaller than in the case of the backward classes. The depressed classes, especially the Mahars and the Chamars, were fit to exercise the vote. He would also give them the votes by way of education. He could find at least 25 or more men amongst them who had passed the 6th or the 7th Standards of a High School, and, although the number was not large, the 9 seats which he suggested for the depressed classes could be filled from amongst them. Such a candidate in practical matters would be as good as a graduate although, the latter might be able to express himself better.

He was opposed to any system under which the representatives of the depressed classes were drawn from other classes. Representation by missionaries, for instance, would not be representation in any real sense of the word.

He suggested large constituencies for the depressed classes; if such large constituencies had been accepted for the Mohammedans he did not see why they were not practicable in the case of the depressed classes.

In order to obtain the required number of seats for the depressed classes he would reduce the number of seats suggested by Government for the Mohammedans, from 18 to 10. This reduction was justifiable, as on the population basis the Mohammedans were only entitled to 20 per cent of the seats. He did not consider the Congress League Pact as binding on all.

Mr. Hailey : Untouchables were persons to whom certain rights of citizenship had been denied. For instance, it was the right of every citizen to walk down the street, and if a man were prevented from doing so, even temporarily, it was an infringement of his right. Whether a man was prevented from exercising his rights by law or social custom, made very little difference to him. Government had recognised custom and persons belonging to the untouchable classes were not employed in Government service.

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He suggested the lowering of the franchise qualification in the case of the depressed classes, as it should be the object of the Government to improve the lot of the community.

From an examination of the Census Report he would say that the problem of touchable and non-touchable existed in Sind, as although the greater proportion of the population there were Mohammedans, there were also Hindus. If special provision was going to be made for the Hindus in Sind, he did not see why special provision should not be made for the depressed classes also.

Mr. Banerjee: The depressed classes would be able to find 9 men who were able to speak English and who could represent their cause in the Council. The 6th standard was the class below the matriculation, and a man who had passed the 6th standard would be able to follow the debates in the Council. They had about 25 persons who had passed that standard.

For political purposes there would be no difficulty in defining the depressed classes, who were the same as the untouchables. No one who was not a member of a depressed class would think of trying to make himself out to be such, though such a thing might occur in the case of the backward classes.

He would accept 8 representatives as the minimum for the depressed classes, and they should be elected. Nominated representative would not be in a position adequately to represent their interests.

Mr. Crump: He had no experience of the problem and conditions of the untouchable classes in Sind, and could not say anything with regard to the statement that there was only one such class, viz., the Bhangis, there- His information was that the total Hindu population in Sind was 837,426 and the total of the untouchable classes was 135,224.

Mr. Natarajan: His view was that British rule in India was meant to provide equal opportunities for all, and that in transferring a large share of the power to popular assemblies, arrangements should be made whereby the hardships and disabilities entailed by the social system should not be reproduced and perpetuated in political institutions. As regards the exact position at present, he admitted that, for instance, at the Parel school which was meant for the depressed classes, there were many higher-caste pupils, who came there because it was a good school. Similarly as a professor he, being a member of a depressed class, had pupils of all classes and found no difficulty in dealing with his higher caste pupils. If the untouchable classes were recognized by Government by the grant of seats, their status would be raised and their powers would be stimulated. He was not very particular about the number of their seats; all he wanted was something adequate.

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The following persons were called and examined at Bombay between 24 January 1919 and 31 January 1919:

(1) L. C. Cramp, Esq., I.C.S. representing the Government of Bombay (24 January 1919).
(2) The Hon'ble Major C. Fernandez, M. D. I. M. S. (Temporary) (24 January 1919).
(3) The Rev. Cannon D. L. Joshi, representing the Bombay Indian Christian (Protestant) Association (24 January 1919).
(4) Lieut. Colonel H.A.J. Gidney, I.M.S. (Retired), representing the Anglo-Indian Empire League (Bombay Branch) (25 January 1919).
(5) Sir Jamsetjee Jejeebhoy, BART (25 January 1919).
(6) W. A. Haig Brown, Esq., representing the Bombay Branch of the European Association (25 January 1919).
(7) Mr. D. D. Sathaye, representing the Bombay National Union (25 January 1919).
(8) The Hon'ble Mr. M. A. Jinnah (25 January 1919).
(9) Mr. C. N. Wadia, representing the Bombay Millowners Association (27 January 1919).
(10) Mr. V. R. Shinde (27 January 1919).
(11) Mr. K. R. Koregawkar, representing the Maratha Aikyecchu Sabha (27 January 1919).
(12) The Hon'ble Mr. M.A. Jinnah (27 January 1919).
(13) Mirza Ali Muhamad Khan (27 January 1919).
(14) Bhimrao R. Ambedkar Esq. (27 January 1919).
(15) The Hon'ble Mr. V. J. Patel (28) January 1919).
(16) The Hon'ble Sahib Hiralal Desaibhai Desai (28 January 1919).
(17) The Hon'ble Mr. Chunilal V. Mehta (28 January 1919).
(18) A. B. Latthe, Esq. (28 January 1919).
(19) The Hon'ble Mr. R. P. Paranjpye (28 January 1919).
(20) Mr. V. R. Kothari, representing the Deccan Ryots' Association (28 January 1919).
(21) Messrs. Umar Sobhani and S. G. Banker, representing the Bombay Home Rule League (29 January 1919).
(22) H. N. Apte Esq., representing the Deccan Sabha, Poona (23 January 1919).
(23) N. C. Kelkar Esq. (29 January 1919).
(24) The Hon'ble Mr. D. V. Belvi (29 January 1919).
(25) Rao Bahadur Thakorram Kapilram (29 January 1919).
(26) N. M- Joshi Esq., Member of the Servants of India Society (30 January 1919).
(27) The Hon'ble Rao Bahadur Venkatesh Srinivas Naik (30 January 1919).
(28) Pandit R. Chikodi (30 January 1919).

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(29) The Hon'ble Mr. S. J. Gillum and Sir Thomas Birkett, Kt., representing the Bombay Chamber of Commerce (30 January 1919).

(30) Mr. Ambalal Sarabhai with Mr. Kasturbhai Lalbhai, Dalpatbhai representing the Ahmadabad Miliowners' Association (30 January 1919).

(31) Devidas Madhavji Thakersey, Esq., representing the Bombay Native Piece-goods Merchants Association (30 January 1919).

(32) The Hon'ble Mr. Ghulam Hussain Hidayatulla (31 January 1919).

(33) Mr. B. V. Jadhav (31 January 1919).

(34) The Hon'ble Sir Pazulbhoy Currimbhoy, Kt., C.I.E. (31 January 1919).

(35) H. P. Mody Esq. (31 January 1919).

(36) Sardar V. N. Mutalik representing the Inamdars' Central Association, Satara (31 January 1919).

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8

TRACTS FOR THE TIMES: No. 3.

FEDERATION VERSUS FREEDOM

(Kale Memorial Lecture)

Address delivered on 29th January 1939
at
the Annual Function
of
the Gokhale Institute of Politics and Economics
held in
the Gokhale Hall, Poona

"The distance you have gone is less important than the direction in which you are going today."

—Tolstoy

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FEDERATION VERSUS FREEDOM

PREFACE

A word or two as regards the origin of this tract and the motive which has led me to publish it at this time will, I think, not be out of place.

Many in this country must be aware that there exists in Poona an institution which is called the Gokhale Institute of Politics and Economics, working under the direction of Dr. D. R. Gadgil. The Institute holds a function annually to celebrate what is called the Founder's Day and invites some one to deliver an address on some subject connected with politics or economics. This year, I was asked by Dr. Gadgil to deliver an address. I accepted the invitation and chose the Federal Scheme as the subject of my address. The address covered both (1) the structure of the Federation and (2) a critique of that structure. The address was delivered on 29th January 1939 at the Gokhale Hall in Poona. The address as prepared had become too lengthy for the time allotted to me and although I kept the audience for two hours when usually the time allotted for such address is one hour I had to omit from the address the whole of the part relating to the Federal structure and some portion from the part relating to the criticism of the structure. This tract, however, contains the whole of the original address prepared by me for the occasion.

So much for the origin of this tract. Now as to the reasons for publishing it. All addresses delivered at the Gokhale Institute are published. It is in the course of things that this also should be published. But there are other reasons besides this, which have prevailed with me to publish it. So far as the Federation

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is concerned, the generality of the Indian public seems to be living in a fog. Beyond the fact that there is to be a Federation and that the Federation is a bad thing the general public has no clear conception of what is the nature of this Federation and is, therefore, unable to form an intelligent opinion about it. It is necessary that the general public should have in its hand a leaflet containing an outline of the Federal structure and a criticism of that structure in small compass sufficient to convey a workable understanding of the Scheme. I feel this Tract will supply this need.

I also think that the publication of this tract will be regarded as timely. Federation is a very live issue and it is also a very urgent one. Soon the people of British India will be called upon to decide whether they should accept the Federal Scheme or they should not. The premier political organization in this Country, namely, the Congress seems to be willing to accept this Federation as it has accepted Provincial Autonomy. The negotiations that are going on with the Muslim League and the manoeuvres that are being carried on with the Indian States give me at any rate the impression that the Congress is prepared to accept the Federation and that these negotiations and manoeuvres are designed to bring about a working arrangement with other parties so that with their help the Congress may be in the saddle at the Centre as it has been in the Provinces. Mr. Subhas Chandra Bose has even gone to the length of suggesting that the right wing of the Congress has committed itself to this Federation so far that it has already selected its cabinet. It matters not whether all this is true or not. I hope all this is untrue. Be that as it may, the matter is both grave and urgent, and I think all those who have anything to say on the subject should speak it out. Indeed I feel that silence at such a time will be criminal. That is why I have hastened to publish my address. I believe that I have views on the subject of Federation which even if they do not convince others will at least provoke them to think

1-3-39 B. R. AMBEDKAR
Rajgraha
Dadar, Bombay 14

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I

INTRODUCTORY

Dr. Gadgil and students of the Gokhale Institute,

I feel greatly honoured by your invitation to address you this evening You have met today to celebrate a day which is set out as your Founder's Day. I had the privilege of personally knowing the late Rao Bahadur R. R. Kale the founder of your Institute. He was my colleague in the old Bombay Legislative Council. I know how much care and study he used to bestow upon every subject which he handled. I am sure he deserves the gratitude of all those who care for knowledge and study for helping to 'establish this Institute, whose main function as I understand is to dig for knowledge and make it ready for those who care to use it. For, first knowledge is power as nothing else is, and secondly, not all those who wish and care for knowledge have the leisure and the patience to dig for it. As one who believes in the necessity of knowledge and appreciates the difficulties in its acquisition I am glad to be associated in this way with him and with the Institute he has founded.

The theme I have chosen for the subject matter of my address is the Federal Scheme embodied in the Government of India Act, 1935. The title of the subject might give you the impression that I am going to explain the Federal Constitution. That would be an impossible task in itself. The Federal Scheme is a vast thing. Its provisions are contained, first in 321 sections of the Government of India Act, 1935, secondly in the 9 Schedules which are part of the Act, thirdly in 31 Orders-in-Council issued under the Act and fourthly the hundreds of Instruments of Accession to be passed by the Indian States. Very few can claim mastery over so vast a subject and if any did he would take years to expound it in all its details.

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I have set to myself a very limited task. It is to examine the scheme in the light of certain accepted tests and to place before you the results of this examination so that you may be in a position to form your own judgment regarding the merits of the scheme. It is true that I cannot altogether avoid setting out the outlines of the scheme. In fact, I am going to give an outline of the scheme. I realize that it is an essential preliminary without which my criticism might remain high up in the air. But the outline I am going to draw for my purpose will be the briefest and just enough to enable you to follow what I shall be saying regarding the merits of the scheme.

II

BIRTH AND GROWTH OF INDIAN FEDERATION

There are five countries which are known in modern times to have adopted the federal form of Government. They are : (1) U.S.A., (2) Switzerland, (3) Imperial Germany, (4) Canada and (5) Australia. To these five it is now proposed to add the sixth which is the All-India Federation.

What are the constituent units of this Federation ? For an answer to this question refer to section 5. It says:

Proclamation of Federation of India

"5. (1) It shall be lawful for His Majesty, if an address in that behalf has been presented to him by each House of Parliament and if the condition hereinafter mentioned is satisfied, to declare by Proclamation that as from the day therein appointed there shall be united in a Federation under the Crown, by the name of the Federation of India,—

(*a*) The Provinces hereinafter called Governors' Provinces ; and

(*b*) the Indian States which have acceded or may thereafter accede to the Federation ; and in the Federation so established there shall be included the Provinces hereinafter called Chief Commissioners' Provinces.

(2) The condition referred to is that, States—

(*a*) the Rulers whereof will, in accordance with the provision contained in Part II of the First Schedule to this Act be entitled to choose not less than fifty-two members of the Council of State ; and

(*b*) the aggregate population whereof, as ascertained in accordance with the said provisions, amounts to at least one-half of the total population of States, as so ascertained, have acceded to the Federation."

Leaving aside the conditions prescribed by this Section for the inauguration of the Federation it is clear that the Units of the Federation are (1) The Governors' Provinces, (2) Chief Commissioners' Provinces and (3) The Indian States.

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What is the size of this Indian Federation ?

Many people when they speak of the Indian Federation do not seem to realize what an enormous entity it is going to be—

	Population	Area	Units
U.S.A.	122,775,040	2,973,773	48 States plus 1 Federal Dist.
Germany	67,000,000	208,780	25
Switzerland	466,400	15,976	22
Canada	10,376,786	3,729,665	9
Australia	6,629,839	2,974,581	6
India	352,837,778	1,808,679	162

The Indian Federation in point of area is 3/5th of U.S.A. and of Australia and half of Canada. It is 9 times of Germany and 120 times of Switzerland. In point of population it is 3 times of U.S.A., 5 times of Germany, 35 times of Canada, 58 times of Australia and 88 times of Switzerland. Measured by the Units which compose it, it is 3 times larger than U.S.A., 6½ times larger than Germany, 8 times larger than Switzerland, 18 times larger than Canada and 27 times larger than Australia. Thus the Indian Federation is not merely a big federation. It is really a monster among federations.

What is the source from which the Federation derives its Governmental Powers and Authority ?

Section 7 says that the executive authority of the Federation shall be exercised on behalf of His Majesty by the Governor-General. That means that the Authority of the Federation is derived from the Crown. In this respect the Indian Federation differs from the Federation in the U.S.A. In the U.S.A., the powers of the Federation are derived from the people. The people of the United States are the fountain from which the authority is derived. While it differs from the Federation in the U.S.A. the Indian Federation resembles the Federations in Australia and Canada. In Australia and Canada the source of the Authority for the Federal Government is also the Crown and Section 7 of the Government of India Act is analogous to section 61 of the Australian Act and section 9 of the Canadian Act. That the Indian Federation should differ in this respect from the American Federation and agree with the Canadian and Australian Federation is perfectly understandable. The United States is a republic while Canada and India are dominions of the Crown. In the former the source of all authority are the people. In the latter the source of all authority is the Crown.

From where does the Crown derive its authority ?

Such a question is unnecessary in the case of Canada and Australia, because the Crown is the ultimate source of all authority and

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there is nothing beyond or behind, to which his authority is referable. Can this be said of the Indian Federation ? Is the Crown the ultimate source of authority exercised by the Federation ? Is there nothing beyond or behind the Crown to which this authority needs to be referred ? The answer to this question is that only for a part of the authority of the Federation the Crown is the ultimate source and that for remaining part the Crown is not the ultimate source.

That this is the true state of affairs is clear from the terms of the Instrument of Accession. I quote the following from the draft Instruments :—

> "Whereas proposals for the establishment of a Federation of India comprising such Indian States as may accede thereto and the Provinces of British India constituted as Autonomous Provinces have been discussed between representatives of His Majesty's Government of the Parliament of the United Kingdom, of British India and of the Rulers of the Indian States;
>
> And Whereas those proposals contemplated that the Federation of India should be constituted by an Act of the Parliament of the United Kingdom and by the accession of Indian States ;
>
> And Whereas provision for the constitution of a Federation of India has now been made in the Government of India Act, 1935 ;
>
> And Whereas that Act provided that the Federation shall not be established until such date as His Majesty may, by proclamation, declare, and such declaration cannot be made until the requisite number of Indian States have acceded to the Federation ;
>
> And Whereas the said Act cannot apply to any of my territories save by virtue of my consent and concurrence signified by my accession to the Federation;
>
> Now, therefore, I (insert full name and title), Ruler of (insert name of State), in the exercise of my sovereignty in and over my said State for the purpose of co-operating in the furtherance of the interests and welfare of India by uniting in a Federation under the Crown by the name of the Federation of India with Provinces called Governors' Provinces and with the Provinces called Chief Commissioners' Provinces and with the Rulers of other Indian States do hereby execute this my Instrument of Accession, and hereby declare that subject to His Majesty's acceptance of this Instrument, I accede to the Federation of India as established under the Government of India Act, 1935."

This is a very important feature of the Indian Federation. What has brought about this difference between the Indian Federation and the Canadian and Australian Federation ? For what part is the Crown the ultimate source and for what part is it not? To understand these questions you must take

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note of two things. First, the Indian Federation comprises two distinct areas : British India and Indian States. This will be clear if you refer to section 5. Second, the relationship of these two areas with the Crown is not the same. The area known as British India is vested in the Crown while the area comprised in an Indian State is not vested in the Crown but is vested in the Ruler. This is clear if you refer to sections 2 and 311. The territory of British India being vested in the Crown the sovereignty over it belongs to the Crown and the territory of an Indian State being vested in the Ruler of the State the sovereignty over the State belongs to the Ruler of the State.

You will now understand why I said that in the Indian Federation the Crown is the ultimate source for a part of its authority and for the remaining part the Crown is the ultimate source of authority of the Indian Federation in so far as British India is part of the Federation. The Indian Ruler is the ultimate source of authority in so far as his State is part of this Federation. When therefore section 7 says that the Executive Authority of the Federation shall be exercised by the Governor-General on behalf of the Crown it must be understood that Crown's authority which is delegated by him to the Governor-General in the working out of the Indian Federation is partly its own and partly derived from the Rulers of the Indian States.

What is the process by which the Crown acquires the authority which belongs to the Ruler of an Indian State ? The process is known under the Indian Act as Accession. This Accession is effected by what is called an Instrument of Accession executed by the Ruler of a State. The provisions relating to the Instrument of Accession are contained in section 6(1). That section reads as follows :-

> "6. A State shall be deemed to have acceded to the Federation if His Majesty has signified his acceptance of an Instrument of Accession executed by the Ruler for himself, his heirs and successors—
>
> (*a*) declares that he accedes to the Federation as established under this Act, with the intent that His Majesty the King, the Governor-General of India, the Federal Legislature, the Federal Court and any other Federal Authority established for the purposes of the Federation shall by virtue of his Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Federation, exercise in relation to his State such functions as may be vested in him by or under this Act; and
>
> (*b*) assumes the obligation of ensuring that due effect is given within his State to the provisions of this Act so far as they are applicable therein by virtue of his Instrument of Accession."

It is this Instrument of Accession which confers authority upon the Crown in the first instance so far as an Indian State is part of the Federation and

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it is because of this that the Crown's Authority in and over this Federation is derivative in part.

This is the law as to the birth of the Federation. What is the law as to the growth of this Federation ? In other words what is the law as to change? The law as to change is contained in section 6(*1*)(*a*), Schedule II and section 6(*5*).

Section 6(1)(a) makes it clear that the accession by a Prince, effected through his Instrument of Accession, is "to the Federation as established by this Act." Schedule II deals with future amendment of the Constitution. It declares what are the provisions in the Government of India Act an amendment of which will be deemed to affect the Instrument of Accession and what are the provisions an amendment of which will not affect the Instrument of Accession by the States.

Section 6(*5*) does two things. In the first place it provides that the Instrument of Accession shall be deemed to confer upon Parliament the right to amend these provisions which are declared by Schedule II as open to amendment without affecting the Instrument of Accession. In the second place it provides that although Parliament may amend a provision of the Act which is declared by Schedule II as open to amendment without affecting the Instrument of Accession such an amendment shall not bind the States unless it is accepted as binding by the State by a supplementary Instrument of Accession.

To sum up, the units of this Federation do not form one single whole with a common spring of action. The units are separate. They are just held together. For some purposes the position of the units cannot be altered at all. For some purposes alteration is permissible but such alteration cannot bind all the units alike. Some will be bound by it but some will not be unless they consent to be bound. In other words in this Federation there is no provision for growth. It is fixed. It cannot move. A change by evolution is not possible and where it is possible it is not binding unless it is accepted.

III

THE STRUCTURE OF THE FEDERATION

(a) The Federal Legislature

The Federal Legislature is a bicameral legislature. There is a Lower House which is spoken of as the Legislative Assembly and there is an Upper House which is called the Council of State. The composition of the two Chambers is a noteworthy feature. They are very small Chambers compared with other legislatures having regard to the population and the area as the total membership of the Federal Assembly is 375 and of the Council of State 260. These seats are divided in a certain proportion between British India and the Indian States. Of the 375 seats in the Federal Assembly 250

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are allotted to British India and 125 to the Indian States. In the Council of State, out of the 260 seats, 156 are allotted to British India and 104 to the Indian States. It may be noticed that distribution between British India and the Indian States is not based upon an equalitarian principle. It is possible to take the population as the basis of representation. It is also possible to take the revenue as the basis of representation. But neither of these has been taken as the basis of distribution of seats. Whether you take population as the basis or whether you take revenue as the basis, you will find that British India has been under-represented, while the Indian States have been over-represented in the two Chambers. The method of filling the seats is also noteworthy. The representatives of the British India in both the Chambers will be elected. The representatives of the Indian States, on the other hand, are to be appointed i.e., nominated, by the Rulers of the States. It is open to a Ruler to provide that the representatives of his State, though appointed by him, may be chosen by his subjects but this is a matter which is left to his discretion. He may appoint a person who is chosen by his people or he may, if he pleases, do both, choose and appoint. In the final result a State's representative is to be appointed by the Ruler as distinguished from being elected by the people. In the case of British India, the representatives are to be elected, but here again there is a peculiarity which may be noticed. In the case of all bi-cameral Legislatures the Lower House being a popular house is always elected directly by the people, while the Upper House being a revising Chamber is elected by indirect election. In the case of the Indian Federation this process is reversed. The Upper Chamber will be elected by direct election by the people and it is the Lower Chamber which is going to be elected indirectly by the Provincial Legislatures. The life of the Federal Assembly is fixed for a term of five years, although it may be dissolved sooner. The Council of State on the other hand is a permanent body not liable to dissolution. It is a body which lives by renewal of a third part of its membership every three years.

Now the authority of the two Chambers to pass laws and to sanction expenditure may be noted. With regard to the authority to pass laws some constitutions make a distinction between money bills and other bills and provide that with regard to money bills the Upper Chamber shall not have the power to initiate such a bill, and also that the Upper Chamber shall not have the authority to reject it. It is given the power only to suspend the passing of the bill for a stated period. The Indian constitution makes no such distinction at all. The money bills and other bills are treated on the same footing and require the assent of both the Chambers before they can become law. The only distinction is that while according to section 30(*1*) a bill which is not a money bill may originate in either Chamber, a money bill, according to section 37, shall not originate in the Upper Chamber. But according to section 3(*2*) a money bill needs the assent of the Upper Chamber as much as any other bill.

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With regard to the authority to sanction expenditure : here again there is a departure made in the accepted principles of distributing authority between the two Chambers when a Legislature is bi-cameral.

According to section 31(*1*) the Annual Financial Statement of estimated receipts and expenditure shall be laid before both Chambers of the Federal Legislature and shall, of course, be open to discussion in both the Chambers. Not only are they open to discussion in both the Chambers, they are also subject to the vote of both the Chambers. Section 34(*2*) requires that the expenditure shall be submitted in the form of demands for grants to the Federal Assembly and thereafter to the Council of State and either Chamber shall have the power to assent to or refuse any demand, or to assent to any demand subject to a reduction of the amount specified therein.

It will thus be seen that the two Chambers are co-equal in authority, both in the matter of their authority to pass laws and in the matter of sanctioning expenditure. A conflict between the two Chambers cannot end by one Chamber yielding to the other if that Chamber does not wish so to yield. The procedure adopted for the resolving of differences between the two Chambers is the method of joint sessions. Section 31(*1*) deals with the procedure with regard to joint sessions where the conflict relates to a bill. Section 34(*3*) relates to the procedure where the conflict relates to the differences with regard to sanctioning of expenditure.

(b) The Federal Executive

The constitution of the Federal Executive is described in section 7(*1*). According to this section the executive Authority of the Federation is handed over to the Governor-General. It is he who is the Executive Authority for the Federation. The first thing to note about this Federal Executive is that it is a unitary executive and not a corporate body. In India ever since the British took up the civil and military government of the country, the executive has never been unitary in composition. The executive was a composite executive. In the Provinces it was known as the Governor-in-Council. At the Centre it was known as the Governor-General-in-Council. The civil and military government of the Provinces as well as of India was not vested either in the Governor or in the Governor-General. The body in which it was vested was the Governor with his Councillors. The Councillors were appointed by the King and did not derive their authority from the Governor-General. They derived their authority from the Crown and possessed co-equal authority with the Governor and the Governor-General and, barring questions where the peace and tranquillity of the territory was concerned, the Governor and the Governor-General were bound by the decision of the majority. The constitution, therefore, makes a departure from the established system. I am not saying that this departure is unsound in principle or it is not justified by precedent or by the circumstances

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arising out of the necessities of a federal constitution. All I want you to note is that this is a very significant change.

The next thing to note about the Federal Executive is that although the Governor-General is the Executive Authority for the Federation, there are conditions laid down for the exercise of his powers as the Federal Executive. The constitution divides the matters falling within his executive authority into four classes and prescribes how he is to exercise his executive authority in respect of each of these four classes. In certain matters the Governor-General (1) is to act in his own discretion ; (2) In certain matters he is to act on the advice of his Ministers ; (3) in certain matters he is to act after consultation with his Ministers, and (4) in certain matters he is to act according to his individual judgment. A word may be said as to the *de jure* connotation that underlies these four cases of the exercise of the executive authority by the Governor-General. The best way to begin to explain this *de jure* connotation is to begin by explaining what is meant by "acting on the advice of his ministers." This means, in those matters the government is really carried on, on the authority of the Ministers and only in the name of the Governor-General. To put the same thing differently, the advice of the Ministers is binding on the Governor-General and he cannot differ from their advice. With regard to the matters where the Governor-General is allowed "to act in his discretion" what is meant is that the Government is not only carried on in the name of the Governor-General, but is also carried on the authority of the Governor-General. That means that there can be no intervention or interference by the Ministers at any stage. The Ministers have no right to tender any advice and the Governor-General is not bound to seek their advice ; or to make it concrete, the files with regard to these matters need not go to the Ministers at all. "Acting in his individual judgment" means that while the matter is within the advisory jurisdiction of the Minister, the Minister has no final authority to decide. The final authority to decide is the Governor-General. The distinction between "in his discretion" and "in his individual judgment" is this that while in regard to matters falling "in his discretion" the Ministers have no right to tender advice to the Governor-General, the Ministers have a right to tender advice when the matter is one which falls under "his individual judgment". To put it differently in regard to matters which are subject to his individual judgment the Governor-General is bound to receive advice from his ministers but is not bound to follow their advice. He may consider their advice, but may act otherwise and differently from the advice given by the Ministers. But in respect of matters which are subject to his discretion he is not bound even to receive the advice of his Ministers. The phrase "after consultation" is a mere matter of procedure. The authority in such matter vests in the Governor-General. All that is required is that he should take into account the wishes of the Ministers. Cases relating to

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"acting after consultation" may be distinguished from cases relating to "individual judgment" in this way. In cases relating to "individual judgment" the authority vests in the Ministers. The Governor-General has the power to superintend and, if necessary, overrule. In the cases falling under "after consultation", the authority belongs to the Governor-General and the Ministers have the liberty to say what they wish should be done.

(c) The Federal Judiciary

The Government of India Act provides for the constitution of a Federal Court as part of the Federal Constitution. The Federal Court is to consist of a Chief Justice and such Puisne Judges as His Majesty thinks necessary, their number not to exceed six until an address is presented by the Legislature asking for an increase. The Federal Judiciary has original as well as appellate jurisdiction. Section 204, which speaks of the Original Jurisdiction of the Federal Court, prescribes that, that Court shall have exclusive Original Jurisdiction in any dispute between the Federation, the Provinces and the federated States which involves any question of law or fact on which the existence or extent of a legal right depends. This section, however, provides that if a State is party then the dispute must concern the interpretation of the Act or an Order in Council thereunder, or the extent of the legislative or executive authority vested in the Federation by the Instrument of Accession or arise under an Agreement under Part VI of the Act for the administration of a federal law in the States, or otherwise concern some matter in which the Federal Legislature has power to legislate for the States or arise under an agreement made after federation with the approval of the Representative of the Crown between the States and the Federation or a Province, and includes provision for such jurisdiction. Even this limited jurisdiction of the Federal Court over the States is further limited by the proviso that no dispute is justiciable if it arises under an agreement expressly excluding such jurisdiction.

The appellate jurisdiction of the Federal Court is regulated by section 205 and section 207. Section 205 says that an appeal shall lie to the Federal Court from any judgment, decree or final order of a High Court in British India if the High Court certified that the case involves a substantial question of law as to the interpretation of this Act or an Order in Council made thereunder. Section 207 relates to appeal from decision of Courts of the Federated States. It says that an appeal shall be to the Federal Court from a Court in a federated State on the ground that a question of law has been wrongly decided, being a question which concerns the interpretation of this Act or of any Order in Council made thereunder or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of that State or arises under an Agreement made under Part VI of this Act in relation to the administration in that State of a law of the Federal Legislature ; but sub-section (2) to section 207 provides

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that an appeal under this section shall be by way of a special case to be stated for the opinion of the Federal Court by a High Court, and the Federal Court may require a case to be so stated.

Two further points with regard to the Federal Judiciary may be noted. The first is the power of the Federal Court to execute its own orders. The Federal Court has no machinery of its own to enforce its orders. Section 210 provides that the orders of the Federal Court shall be enforceable by all courts and authorities in every part of British India or of any Federated State as if they were orders duly made by the highest court exercising civil or criminal jurisdiction as the case may be in that part. The instrumentality, therefore, which the Federal Court can use for the enforcement of its own orders consists of the administrative machinery of the units of the Federation. The units of the Federation are bound to act in aid of the Federal Court. This is different to what prevails for instance, in the United States of America, where the Supreme Court has its own machinery for enforcing its own orders.

The second point to note with regard to the Federal Court is the question of the powers of the Executive to remove the judges and the power of the Legislature to discuss their conduct. In this respect also the Federal Court stands on a different footing from the Federal Courts in other Federations. The Constitution does not give the Governor-General the power to suspend a Judge of the Federal Court. It forbids any discussion of a judge's judicial conduct by the Legislature. This, no doubt, gives the judge of the Federal Court the greatest fixity of tenure and immunity from interference by the Executive or by the Legislature. To remove the Judiciary from the control of the Executive it has been found necessary that the tenure of a judge must not be subject to the pleasure of the Executive. All constitutions, therefore, provide that the tenure of a judge shall be during good behaviour and that a judge shall be removeable only if address is presented by the Legislature pronouncing that he is not of good behaviour. Some such authority must be vested in somebody which should have the power to pronounce upon the good behaviour of a judge. This provision is absent in the Federal Constitution, so that a Judge of the Federal Court once appointed is irremoveable from his place till retirement, no matter what his conduct during that period may be. Instead of this, power is given to His Majesty under section 200(*2*)(*b*) to remove a Judge of the Federal Court on the ground of misbehaviour or infirmity of body or mind if the Judicial Committee of the Privy Council reports that he may be removed on any such ground.

IV

POWERS OF THE FEDERATION

Before I describe the powers of the Federal Government it might be desirable to explain what is the essence of a Federal Form of Government,

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There is no simpler way of explaining it than by contrasting it with the Unitary Form of Government.

Although the Federal Form of Government is distinct from the Unitary form, it is not easy to see distinction. On the other hand, there is, outwardly at any rate, a great deal of similarity between the two. The Government of almost every country in these days is carried on by an inter-related group of Administrative Units operating in specific areas and discharging specific public functions. This is true of a country with a Federal Form of Government and also of a country with a Unitary form of Government. In a Federal Constitution there is a Central Government and there are inter-related to it several Local Governments. In the same way in an Unitary Constitution there is a Central Government and there are inter-related to it several Local Governments. On the surface, therefore, there appears to be no difference between the two.

There is, however, a real difference between them although it is not obvious. That difference lies in the nature of the inter-relationship between the Central and the Local Administrative Units. This difference may be summed up in this way. In the Unitary Form of Government, the powers of the local bodies are derived from an Act of the Central Government. That being so the powers of the Local Government can always be withdrawn by the Central Government. In the Federal form of Government the powers of the Central Government as well as of the Local Government are derived by the law of the Constitution which neither the Local Government nor the Central Government can alter by its own Act. Both derive their powers from the law of the Constitution and each is required by the Constitution to confine itself to the powers given to it. Not only does the Constitution fix the powers of each but the constitution establishes a judiciary to declare any Act whether of the Local or the Central Government as void if it transgresses the limits fixed for it by the Constitution. This is well stated by Clement in his volume on the Canadian Constitution in the following passage :

> "Apart from detail, the term federal union in these modern times implies an agreement ..... to commit ..... people to the control of one common government in relation to such matters as are agreed upon as of common concern, leaving each local government still independent and autonomous in all other matters, as a necessary corollary the whole-arrangement constitutes a fundamental law to be recognised in and enforced through the agency of the Courts.
>
> "The exact position of the line which is to divide matters of common concern to the whole federation from matters of local concern in each unit is not of the essence of federalism. Where it is to be drawn in any proposed scheme depends upon the view adopted by the federating communities as to what, in their actual circumstances, geographical, com-

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mercial, racial or otherwise, are really matters of common concern and as such proper to be assigned to a common government. But the maintenance of the line, as fixed by the federating agreement, is of the essence of modern federalism; at least, as exhibited in the three great Anglo Saxon federations today, the United States of America, the Commonwealth of Australia, and the Dominion of Canada. Hence the importance and gravity of the duty thrown upon the Courts as the only constitutional interpreter of the organic instrument which contains the fundamental law of the land.".

Thus to draw a line for the purpose of dividing the powers of Government between the Central and Local Governments by the law of the Constitution and to maintain that line through the judiciary are the two essential features of the Federal Form of Government. It is these two features which distinguish it from the Unitary Form of Government. In short every federation involves two things : (1) Division of Powers by metes and bounds between the Central Government and the Units which compose it by the law of the Constitution, which is beyond the power of either to change and to limit the action of each to the powers given and (2) a Tribunal beyond the control of either to decide when the issue arises as to whether any particular act of the Centre or of the Unit, Legislative, Executive, Administrative or Financial is beyond the powers given to it by the Constitution.

Having explained what is meant by Federal Government, I will now proceed to give you some idea of the Powers which are assigned by the constitution to the Federal Government.

(a) Legislative Powers of the Federation

For the purposes of distributing the Legislative Powers the possible subjects of Legislation are listed into three categories. The first category includes subjects, the exclusive right to legislate upon which is given to the Federal Legislature. This list is called the Federal List. The second category includes subjects, the exclusive right to legislate upon which is given to the Provincial Legislature. The list is called the Provincial List. The third category includes subjects over which both the Federal as well as the Provincial Legislature have a right to legislate. This list is called the Concurrent list. The scope and contents of these lists are given in Schedule VII to the Government of India Act.

In accordance with the fundamental principles of Federation a law made by the Federal Legislature if it relates to a matter which is included in the Provincial List, would be *ultra vires* and a nullity. Similarly, if the Provincial Legislature were to make a law relating to a matter falling in the Federal List such a Provincial Law would be *ultra vires* and therefore a nullity. This is, however declared by statute and section 107 is

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now the law on the point. Cases of conflict of legislation touching the Federal List and the Provincial List are not likely to occur often. But cases of conflict between the two are sure to arise in the concurrent field of legislation. The law as to that you will find in section 107. Sub-section (*1*) lays down when a Federal Law shall prevail over a Provincial Law. Sub-section (*2*) lays down as to when a Provincial Law shall prevail over the Federal Law. Reading the sub-sections together the position in law is this. As a rule a Federal Law shall prevail over a Provincial Law if the two are in conflict. But in cases where the Provincial Law, having been reserved for the consideration of the Governor-General or for the signification of His Majesty's pleasure, has received the assent of the Governor-General or His Majesty, the Provincial Law shall prevail until the Federal Legislature enacts further legislation with respect to the same matter.

With regard to the question of this distribution of powers of legislation every Federation is faced with a problem. That problem arises because there can be no guarantee that enumeration of the subjects of legislation is exhaustive and includes every possible subject of legislation. However complete and exhaustive the listing may be there is always the possibility of some subject remaining unenumerated. Every Federation has to provide for such a contingency and lay down to whom the powers to legislate regarding these residuary subjects shall belong. Should they be given to the Central Government or should they be given to the Units ? Hitherto there has been only one way of dealing with them. In some Federations, these residuary powers are given to the Central Government, as in Canada. In some Federations they are given to the Units, as in Australia. The Indian Federation has adopted a new way of dealing with them. In the Indian Federation they are neither assigned to the Central Government nor to the Provinces. They are in a way vested in the Governor-General by virtue of section 104. When a Legislation is proposed on a subject which is not enumerated in any of the three lists it is the Governor-General, who is to decide whether the powers shall be exercised by the Federal Legislature or by the Provincial Legislature.

(b) Executive Powers of the Federation

The first question is, what is the extent of the executive powers of the Federation ? Is it co-extensive with the legislative powers ? In some of the Federations this was not made clear by statute. It was left to judicial decision. Such is the case in Canada. The Indian Constitution does not leave this matter to courts to decide. It is defined expressly in the Act itself. The relevant section is section 8(*1*). It says that the executive authority of the Federation extends—

(*a*) to matters with respect to which the Federal Legislature has powers to make laws ;

(*b*) to raising in British India on behalf of His Majesty of naval, military and air forces and to the governance of His Majesty's forces borne on the Indian establishment;

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(*c*) to the exercise of such rights, authority and jurisdiction as are exercisable by His Majesty by treaty, grant, usage, sufference, or otherwise in and in relation to the tribal areas.

There is no difficulty in following the provisions of this sub-section. There might perhaps be some difficulty in understanding sub-clause (*a*). It says that the executive powers must be co-extensive with the legislative powers of the Federation. Now the legislative power of the Federation extends not only to the Federal List but also to the Concurrent List. Does the executive power of the Federation extend to subjects included in the Concurrent List ? Two points must be borne in mind before answering this question. First, the Concurrent List is also subject to the legislative authority of the Province. Second, according to section 49(*2*) that the executive authority of each Province extends to the matters with respect to which the Legislature of the Province has power to make laws. The answer to the question whether the executive authority of the Federation extends also to the Concurrent list is that the Executive Authority in respect of the Concurrent List belongs to the Federal Government as well as to the Provincial Government. This is clear from the terms of section 126(*2*). It belongs to Provincial Government except in so far as the Federal Legislature has covered the field. It belongs to the Federal Government except in so far as the Provincial Legislature has covered the field.

The Concurrent List is not the only list which is subject to Legislation by the Federal Legislature. The Federal Legislature has the right to legislate even on Provincial subjects under Section 102 in cases of emergency and under Section 106 to give effect to international agreements. Does the Executive Authority of the Federation extend to such matters also ? The answer is that when a field is covered by Federal Legislation that field also becomes the field of Executive Authority of the Federation.

(c) Administrative Powers of the Federation

The Administrative Powers of the Federation follow upon the Executive Powers of the Federation just as the Executive Powers of the Federation follow upon the Legislative Powers of the Federation.

To this there is one exception. That exception relates to the administration of subjects included in the Concurrent List. The Concurrent List is a list to which the Legislative Authority of the Federation extends by virtue of Section 100. As has already been pointed out the executive authority of the Federation extends in so far as Federal Legislation has covered the field. But the administrative powers for subjects falling in the Concurrent List do not belong to the Federation. They belong to the Provinces.

(d) Financial Powers of the Federation

The revenues of the Federal Government are derived from four different sources : (1) Revenue from Commercial Enterprise, (2) Revenue from

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Sovereign Functions; (3) Revenue from Tributes ; and (4) Revenue from Taxes.

Under the first head fall all revenues from Posts and Telegraphs. Federal Railways, banking profits and other commercial operations. Under the second head come revenues from currency and coinage, from *bona vacantia* and territories administered directly by the Federal Government. Under the third head are included Contributions and Tributes from the Indian States.

The classification of Revenue from taxes follows upon the Powers of Taxation given to the Federal Government by the Constitution. The Powers of Taxation given to the Federal Government fall into three main categories. In the first category fall those powers of taxation which is wholly appropriable by the Federal Government. In the second category, fall those powers of taxation which are exercisable for raising revenue which is divisible between the Federal Government and the Provincial Governments.

The heads of revenue which fall under the first category of Taxing Powers cover those which are specifically mentioned in the Federal List—

1. Duties of customs, including export duties.
2. Duties of excise on tobacco and other goods manufactured or produced in India except—
   (*a*) alcoholic liquors for human consumption ;
   (*b*) opium, Indian hemp and other narcotic drugs and narcotics, non-narcotic drugs ;
   (*c*) medical and toilet preparations containing alcoholic, or any substance included in sub-paragraph (*b*) of this entry.
3. Corporation tax.
4. Salt.
5. State lotteries.
6. Taxes on income other than agricultural income.
7. Taxes on the capital value of the assets, exclusive of agricultural land of individuals and companies ; taxes, on the capital of companies.
8. Duties in respect of succession to property other than agricultural land.
9. The rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance proxies and receipts.
10. Terminal taxes on goods or passengers carried by railway or air ; taxes on railway fares and freights.
11. Fees in respect of any of the matters in this list but not including fees taken in any court.

In connection with this, attention might be drawn to the following items in the Concurrent List :

1. Marriage and divorce.
2. Wills, intestacy and succession.
3. Transfer of Property and other agricultural lands.

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Being in the Concurrent list, the Federal Legislature has power to legislate upon with respect to these. Can the Federal Legislature also while legislating upon them raise revenue from them ? The Act does not seem to furnish any answer to this question. It may however be suggested that the rules contained in section 104 regarding the exercise of Residuary Powers will also apply here.

The sources of revenue which are made divisible by the Constitution are : (1) Income Tax other than Corporation Tax and (2) Jute Export duty. Those which are made divisible according to the Federal Law are : (1) Duty on Salt, (2) Excise duty on Tobacco and other goods and (3) Duties of Export.

In respect of the financial powers of the Federation there is one feature which by reason of its pecularity is deserving of attention. The Act in giving the Federal Government the right to tax, makes a distinction between power to levy the tax and the right to collect it and even where it gives the power to levy the tax it does not give it the right to collect it. This is so in the case of surcharge on Income tax and the Corporation tax. The Income tax is only leviable in the Provinces and not in the States although it is a tax for Federal purposes. The State subjects are liable to pay only a Federal surcharge on Income Tax because such a surcharge is leviable both within the Provinces as well as the States. But under section 138(*3*) the Federal Government has no right to collect it within the States. The collection is left to the Ruler of the State. The Ruler, instead of collecting the surcharge from his subjects, may agree to pay the Federation a lump sum and the Federation is bound to accept the same. Similar is the case with regard to the Corporation tax. The Federation can levy it on State subjects but cannot collect it directly by its own agency. Section 139 provides that the collection of the Corporation tax shall as of right be the function of the Ruler.

V

CHARACTER OF THE FEDERATION

(1) The Nature of the Union

How does the Indian Federation compare with other Federations ? This is not only a natural inquiry but it is also a necessary inquiry. The method of comparison and contrast is the best way to understand the nature of a thing. This comparison can be instituted from points of view. There is no time for a comparison on so vast a scale. I must confine this comparison to some very moderate dimensions. Therefore I propose to raise only four questions : (1) Is this Federation a perpetual Union ? (2) What is the relationship of the Units to the Federal Government ? (3) What is the relationship of the Units as between themselves ? (4) What is the relationship of the people under the Units ?

There is no doubt that the accession of the Indian States to the Federation is to be perpetual so long as the Federation created by the Act is in

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existence. While the Federation exists there is no right to secede. But that is not the real question. The real question is, will the federation continue even when the Act is changed ? In other words the question is, is this a perpetual Union with no right to secede or, is this a mere alliance with a right to break away? In my opinion the Indian Federation is not a perpetual union and that the Indian States have a right to secede. In this respect the constitution of the United States and this Indian Federation stand in clear contrast. The constitution of the United States says nothing as to the right of secession. This omission was interpreted in two different ways. Some said that it was not granted because it was copy recognized. Others said it was not excluded because it was not negatived. It was this controversy over the question namely whether the right of secession was excluded because it was not recognized which led to the Civil War of 1861. The Civil War settled two important principles : (1) No State has a right to declare an Act of the Federal Government invalid ; (2) No State has a right to secede from the Union. In the Indian Federation it would be unnecessary to go to war for establishing the right to secession because the Constitution recognizes the right of the Indian States to secede from the Indian Federation if certain eventualities occur. What is a perpetual Union and what is only a compact is made nowhere so clear as by Blackstone in his analysis of the nature of the Union between England and Scotland. To use his language the Indian Federation is not an incorporate Union because in a Union the two contracting States are totally annihilated without any power of revival. The Indian Federation is an alliance between two contracting parties, the Crown and the Indian States, in which neither is annihilated but each reserves a right to original Status if a breach of condition occurs. The Constitution of the United States originated in a compact but resulted in a union. The Indian Federation originates in a compact and continues as a compact. That the Indian Federation has none of the marks of a Union but on the other hand it has all the marks of a compact is beyond dispute. The distinguishing marks of a Union were well described by Daniel Webster, when in one of his speeches on the American Constitution he said—

> " ...The constitution speaks of that political system which is established as 'the Government of the United States'. Is it not doing a strange violence to languages to call a league or a compact between sovereign powers a *Government* ? The Government of a State is that organisation in which political power resides".

> " ...The broad and clear difference between a government and a league or a compact is that a government is a body politic ; it has a will of its own ; and it possesses powers and faculties to execute its own purposes Every compact looks to some power to enforce its stipulations. Even in a compact between sovereign communities, there always exists this ultimate reference to a power to ensure its execution ; although in such

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> a case, this power is but the force of one party against the force of another; that is to say, the power of war. But a Government executes its decisions by its own supreme authority. Its use of force in compelling obedience to its own enactments is not war. It contemplates no opposing party having a right of resistance. It rests on its power to enforce its own will; and when it ceases to possess this power it is no longer a Government".

In the light of this the following facts should be noted. The Act does not ordain and establish a Federal Government for British India and the Indian States. The Act ordains and establishes a Federal Government for British India only. The Federal Government will become a Government for the States only when each State adopts it by its Instrument of Accession. Again note that the subjection of the States to the Federal Government is not to be for all times. It is to continue only under certain circumstances. It is to continue so long as certain provisions of the Act are continued without a change. Thirdly, where change in the provisions is permissible such change shall not bind the State unless it agrees to be bound by it.

All these are unmistakable signs which show that the Indian Federation is a compact and not a perpetual Union. The essence of a compact is that it reserves the right to break away and to return to the original position.

In this respect therefore the Indian Federation differs from the Federations in U.S.A., Canada and Australia. It differs from the U.S.A., because the right to secede is recognized by the Indian Constitution if the constitution is altered, while it is not recognized by the Constitution of the U.S.A., even if the constitution is altered against the wishes of a particular State. In regard to Australia and Canada such a question cannot really arise and if it did, a civil war would be quite unnecessary to decide the issue. In these federations the sovereignty, whether it is exercised by the Federal Governments or the Units belongs to the Crown and the maintenance of the Federation or its breakup remains with the King and Parliament. Neither the Federation nor the Units could decide the issue otherwise than with the consent of Parliament. If a break-up came, it would be a mere withdrawal of the sovereignty of the Crown and its re-distribution which the Crown is always free to do. The break up could be legal and even if it was perpetrated by non-legal means it could give sovereignty to the rebellious units because it belongs to the Crown. The same would have been the case, if the Indian Federation had been the Federation of British Indian Provinces only. No question of secession could have arisen. The Provinces would have been required to remain in the position in which the Crown might think it best to place them. The Indian Federation has become different because of the entry of the Indian States. The entry of the Indian States is not for all times and under all circumstances. Their entry is upon terms and conditions. That being so the Indian Federation

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could not be a perpetual union. Indeed, the Indian States would not enter into matrimony with the Indian Provinces unless the terms of divorce were settled before-hand. And so they are. That is why the Indian Federation is a compact and not a union.

(2) Relationship of the Units to the Federal Government

That each separate unit should have approximately equal political rights is a general feature of federations. Equality of status among the different units is a necessity. To make them unequal in status is to give units the power to become dominant partners. The existence of dominant partners in a federation, as observed by Dicey is fraught with two dangers. Firstly, the dominant partners may exercise an authority almost inconsistent with federal equality. Secondly, it may create combinations inside the Federation of dominant units and subordinate units and *vice versa*. To prevent such an unhealthy state of affairs, all federations proceed upon the principle of equality of status. How far does this principle obtain in the Indian Federation?

(a) In the matter of Legislation

As you know for purposes of Legislation the field is divided into three parts and there are three lists prepared which are called the Federal List, the Concurrent List and the Provincial List.

The Federal List contains 59 items as subjects of legislation. The Concurrent List contains 36 items.

The first thing to note is that both these lists are binding upon the Provinces. They cannot pick and choose as to the matters in these two lists in respect of which they will subject themselves to the authority of the Federation. The Provinces have no liberty to contract out of these two lists. The position of a Federating State is quite different. A Federating State can wholly keep itself out of the Concurrent List. Under section 6(*2*) there is no objection to the Ruler of any Indian State to agree to federate in respect of matters included in the Concurrent List. But there is no obligation upon them to do so. Such an agreement is not a condition precedent to their admission into the Federation.

With regard to the Federal List, there is no doubt an obligation on the Ruler of a State to subject himself to the legislative authority of the Federation in respect of the Federal List, but his subjection to the Federation will be confined to matters specified by him in his Instrument of Accession. There are as I stated altogether 59 items in the Federal List. There is no obligation upon the Prince to accept all subjects in the Federal List as a condition precedent for his entry into Federation. He may accept some only or he may accept all. Again one Ruler may accept one item and another Ruler may accept another. There is no rule laid down in the constitution that some items must be accepted by every Ruler who chooses

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to enter the Federation. The Federation, therefore, while it affects British India and the Provinces uniformly and completely so far as the legislative authority of the Federation is concerned, it touches different States in different degrees. A Ruler may federate in respect of one subject yet he is as good a member of the Federation as a Ruler who accepts all the fifty-nine items in the Federal List.

The Provincial List is a list which is subject to the exclusive Legislative authority of the Provinces. There is no corresponding State List given in the Act for the Federated States. It cannot be given. But it can be said that it includes all these subjects which are not surrendered by the State to the Federation. Now with regard to the exclusive authority of the Provincial Legislature, still in the event of emergency it is open to the Federal Legislature to make laws for a Province or any part thereof with respect to any of the matters enumerated in the Provincial List, it the Governor-General has in his discretion declared under section 102 by proclamation that a grave emergency exists whereby the security of India is threatened whether by way of war or by internal disturbances. There is no such provision in respect of the Indian States. A grave emergency which threatens India may quite well arise within a State as it may within the territories of a Province. It is thus clear that while the Federal Legislature can intervene and make laws for a Province when there is emergency, it cannot intervene and make laws for the Federated States under similar circumstances.

(b) In the matter of the Executive

Again in the matter of the Executive, the States and the Provinces do not stand on the same footing. Section 8 defines the scope of the executive authority of the Federation which according to section 7 is exercisable by the Governor-General on behalf of His Majesty. According to sub-section (*1*) to sub-clause (a) the authority of the Federal Executive extends to matters with respect to which the Federal Legislature has power to make laws, but this clause has not the same application with respect to the States as it has with respect to the provinces. With regard to the provinces it has authority in all matters which are included in the Federal Legislative List. It has also exclusive authority with respect to certain matters included in the Concurrent List subject to certain limitations ; but with regard to the States the case is very different. With regard to the States the Federation can have no executive authority in respect of subjects in the Concurrent List, but also the Federation is not entitled to have exclusive authority with respect to matters included in the Federal Legislative List. Sub-clause 2 of section 8 is very important. It says :

> "The executive authority of the Ruler of a Federated State shall, notwithstanding anything in this section, continue to be exercisable in that State with respect to matters with respect to which the Federal Legislature

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has power to make laws for that State except in so far as the executive authority of the Federation becomes exercisable in the State to the exclusion of the executive authority of the Ruler by virtue of a federal law.".

In plain language what the sub-section means is this—With regard to a province the executive authority of the Federation extends to all matters over which the Federation has legislative authority. With regard to the State the position is different. The mere fact that the federal legislature has authority to legislate in respect of a subject does not give the Federation any executive authority over the State in respect of that subject. Such executive authority can be conferred only as a result of a law passed by the Federation. Whether it is possible to pass such a law is problematic in view of the large representation which the States have in Federal Legislature. Whatever may be the eventuality, in theory the executive authority of the Federation does not extend to a Federated State. The position is that while with regard to the provinces the Federation can legislate as well as execute, in the case of the Federated States, the Federation can legislate, but cannot execute. The execution may be with the State.

(c) In the matter of administration

When you begin to examine the constitution from the point of view of administration you will find certain sections in the Act which lay down rules for the guidance of the Federal Government, of the Provincial Governments and of the State Governments. The purpose of the sections is to tell them how they should exercise the executive authority belonging to them respectively. These sections are 122, 126 and 128.

Section 122 is addressed to the Federal Government. It reads as follows :

"122. (*1*) The executive authority of every Province and Federated State shall be so exercised as to secure respect for the laws of the Federal Legislature which apply in that Province or State.

(*2*) The reference in sub-section (*1*) of this section to laws of the Federal Legislature shall, in relation to any Province, include a reference to any existing Indian Law applying in that Province.

(*3*) Without prejudice to any of the other provisions of this part of this Act, in the exercise of the executive authority of the Federation in any Province or Federated State regard shall be had to the interests of that Province or State.".

Section 126 is addressed to the Provincial Governments. It provides that—

"126 (*1*) The executive (authority of every Province shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation, and the executive authority of the Federation shall extend to the giving of such directions to a Province as may appear to the Federal Government to be necessary for that purpose.".

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Section 128 is addressed to the States. It runs as follows :

"128. (*1*) The executive authority of every Federated State shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation so far as it is exercisable in the State by virtue of the law of the Federal Legislature which applies therein.

(*2*) If it appears to the Governor-General that the Ruler of any Federated State has in any way failed to fulfil his obligations under the preceding sub-section, the Governor-General, acting in his discretion, may after considering any representations made to him by the Ruler, issue such directions to the Ruler as he thinks fit :

Provided that if any question arises under this section as to whether the executive authority of the Federation is exercisable in a State with respect to which it is so exercisable, the question may, at the instance either of the Federation or the Ruler, be referred to the Federal Court for determination by that Court in the exercise of its original jurisdiction under this Act.'

All these sections would have been very useful if there was any possibility of conflict in the exercise of their executive authority by these agencies. But these will be quite unnecessary because there would be as a matter of fact no conflict of executive authority which can arise only when such executive authority is followed by administrative act. When administration is divorced from Executive Authority there is no possibility of conflict and the admonitions contained in such sections are quite unnecessary.

Now it is possible that in the Federal Constitution the Federal Government may be altogether denuded of its powers of administration and may be made just as a frame without any spring of action in it. The constitution provides that the Governor-General of the Federal Legislature may provide that the administration of a certain law passed by it instead of being carried on by the Federal Executive might be entrusted to Units i.e. to the Provincial Governments and the Indian States. This is clear from the terms of section 124 :

"124. (*1*) Notwithstanding anything in this Act, the Governor-General may, with the consent of the Government of a Province or the Ruler of a Federated State, entrust either conditionally to the Government or Ruler or to their respective Officers, functions in relation to any matter to which the executive authority of the Federation extends.

(*2*) An Act of the Federal Legislature may, notwithstanding that it relates to a matter with respect to which a Provincial Legislature has no power to make laws, confer powers and impose duties upon a Province or officers and authorities thereof.

(*3*) An Act of the Federal Legislature which extends to a Federated State may confer powers and impose duties upon the State or officers and authorities thereof to be designated for the purpose by the Ruler.

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(*4*) Where by virtue of this section powers and duties have been conferred or imposed upon a Province or a Federated State or officers or authorities thereof, there shall be paid by the Federation to the Province or State such sum as may be agreed, or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India, in respect of any extra cost of administration incurred by the Province or State in connection with the exercise of those powers and duties."

It is quite possible for States and Provinces to combine to rob the Federation of all administrative powers and make it only a law making body.

A more staggering situation however is created by section 125. It is in the following terms:

"125. (*1*) Notwithstanding anything in this Act, agreements may, and, if provision has been made in that behalf by the Instrument of Accession of the State, shall be made between the Governor-General and the Ruler of a Federated State for the exercise by the Ruler or his officers of functions in relation to the administration in his State of any law of the Federal Legislature which applies therein.

(*2*) An agreement made under this section shall contain provisions enabling the Governor-General in his discretion to satisfy himself, by inspection or otherwise that the administration of the law to which the agreement relates is carried out in accordance with the policy of the Federal Government and, if he is not so satisfied, the Governor-General, acting in his discretion, may issue such directions to the Ruler as he thinks fit.

(*3*) All courts shall take judicial notice of any agreement made under this section.".

This section means that a State by its Instrument of Accession may stipulate that the administration of Federal laws in the State shall be carried out by the State agency and not by the agency of the Federation and if it does so stipulate then the Federation shall have no administrative power inside the State. The benefit of a law depends upon its administration. A law may turn out to be of no avail because the administration is either inefficient or corrupt. To deprive the Federal Government of its administrative powers is really to cripple the Federal Government. There is no Federation in which some units of the Federation are permitted to say that the Federal Government shall have no administrative powers in their territory. The Indian Federation is an exception. Not only is there a difference between the Provinces and the States in this matter but they also differ in their liability to supervision and direction by the Federal

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Government in the matter of the exercise of their executive authority. That difference will be clear if you will compare section 126 with section 128.

Section 126 enacts that the executive authority of every province shall be exercised as not to impede or prejudice the exercise of the executive authority of the Federation and the executive authority of the Federation shall extend to the giving of such directions to a Province as may appear to the Federal Government to be necessary for that purpose. Section 128 is a section which enacts a similar rule with respect to a Federated State, but there is a significant difference between the two sections. Section 126 says that the executive authority of the Federation extends to the giving of such directions to a province as may appear to the Federal Government to be necessary for that purpose, while section 128 does not give such a power. That means that the Federation does not possess the inherent executive authority to give a direction to the Ruler of a Federated State to prevent him from so exercising the executive authority of the State as to impede or prejudice the exercise of the executive authority of the Federation. That is one very significant difference. Such authority, instead of being given to the Federation, is given to the Governor-General, who, of course, under the law is distinct from the Federal Government and it is the Governor-General who is empowered to issue such directions to the Ruler as he thinks fit. A further distinction is also noticeable. When directions are issued to the Governor of a province under section 126 he is bound to carry them out. He has no right to question the necessity of the directions nor can he question the capacity of the Governor-General to issue such directions. With regard to the Ruler of a State, however, the position is entirely different. He can question such a direction, and have the matter adjudicated in the Federal Court, because the proviso to sub-section 2 of section 128 says that if any question arises under this section as to whether the executive authority under this section of the Federation is exercisable in a State with respect to any matter or as to the extent to which it is so exercisable, the question may at the instance either of the Federation or the Ruler be referred to the Federal Court for determination by that Court.

(3) In the matter of Finance

Coming to the question of Finance, the disparity between the Provinces and the States is a glaring disparity. Take the case of the taxing authority of the Federation over the Provinces and the States. It may be noted that the revenues of the Federation are derivable from sources which fall under two main heads—those derived from taxation and those not derived from taxation. Those not derived from taxation fall under six heads—

(1) Fees in respect of matters included in the Federal List.

(2) Profits, if any, on the work of the Postal Services, including Postal Savings Banks.

(3) Profits, if any, on the operation of Federal Railways.

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(4) Profits, if any, from Mint and Currency operations.

(5) Profits, if any, from any other Federal enterprise, such as Reserve Bank, and

(6) Direct contribution to the Crown from Federated or non-Federated States.

As regards the revenues derived from taxation under the Government of India Act, they fall under two heads; Ordinary taxation and Extraordinary taxation. Ordinary taxation includes levy from following sources :

(1) Customs duties;

(2) Export duties;

(3) Excise duties;

(4) Salt;

(5) Corporation tax;

(6) Tax on income, other than agricultural; and

(7) Property Taxes i.e., taxes on Capital value of the individual assets or a property.

The extraordinary revenue falls under following heads :

(1) Surcharges on Income-tax.

(2) Surcharges on succession duties.

(3) Surcharges on terminal taxes on goods or passengers carried by rail or air and all taxes on railway freights.

(4) Surcharges on Stamp duties, etc.

Now, while the provinces are liable to bear taxation under any of these heads whether the taxation is of an ordinary character or is of an extraordinary character, the same is not true of the States. For instance, the States are not liable in ordinary time to ordinary taxes falling under heads 6 and 7, while the Provinces are liable,

With regard to extraordinary taxation, the States are not liable to contribute even in times of financial stringency the taxes levied under items 2, 3 and 4 and even where they are liable to contribute under head 1 of the extraordinary sources of revenue, it must be certified that all other economies have been made.

There is another difference from the financial point of view between the States and the Provinces. The field of taxation for provincial Governments has been defined in the Act. A provincial Government cannot raise revenue from any source other than those mentioned in the Act. Such is not the case with the State. There is nothing in the Government of India Act, which defines the powers of a Federated State with regard to its system of taxation. It may select any source of taxation to raise revenue for the purpose of internal administration and may even levy customs duties upon articles entering its territory from a neighbouring province although that neighbouring province is a unit of the Federal Government of which the

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Federated State is also a unit. This is a most extraordinary feature of this Indian Federation and also one of its worst features. One of the results of a Federation, if not its primary object, has been the freedom of trade and commerce inside the territory of the Federation. There is no federation known to history which has permitted one unit of the Federation to levy customs duties or raise other barriers with a view to prevent inter-State commerce. The Indian Federation is an exception to that rule and this is a feature of the Indian Federation which makes it stand out in glaring contrast with other federations with which people are familiar today.

One of the characteristics of a Federal Constitution is that although the territory comprised in the Federation is distributed or held by different units, still they constitute one single territory. At any rate for customs purposes the territory is treated as a single unit. Every Federal Constitution contains powers and prohibitions to prevent trade and customs barriers being erected by one unit against another.

The American constitution by Section 9 of Article II prohibits a State from preventing the import or export of goods or from levying import or export duties upon goods passing in or out of the State boundary. Section 8(*3*) of Article II gives the Federal Government the power of regulating trade or commerce between the States of the Union.

In Australia by virtue of Section 92 of its Constitution both the States and the Federal Government are bound so to exercise their power of regulation as not to transgress the fundamental guarantee of the Constitution embodied in Section 92 that "trade and commerce among the States whether by means of internal carriage or ocean navigation shall be absolutely free".

In Canada section 121 enacts that "all articles of the growth, produce or manufacture of any one Province shall, from and after the Union, be admitted free into each of the other Provinces."

In the Indian Constitution the provision relating to freedom of trade and commerce within the Federation is contained in Section 297. It reads as follows :

> "297. (1) No Provincial Legislature or Government shall—
>
> (*a*) by virtue of the entry in the Provincial Legislative List relating to trade and commerce within the Province, or the entry in that list relating to the production, supply, and distribution of commodities, have power to pass any law or take any executive action prohibiting or restricting the entry into, or export from, the Province of goods of any class or description ; or
>
> (*b*) by virtue of anything in this Act have power to impose any tax, cess, toll, or due which, as between goods manufactured or produced in the Province and similar goods not so manufactured or produced, discriminates in favour of the former, or which, in the case of goods manufactured or produced outside the Province, discriminates between

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goods manufactured or produced in one locality and similar goods manufactured or produced in another locality.

(2) Any law passed in contravention of this shall, to the extent of the contravention, be invalid."

Now it will be clear from the terms of this section that the freedom of trade and commerce is confined only to the provinces. That means the Indian States are free to prohibit the entry of goods from the Provinces absolutely or subject them to duty. This is quite contrary to the fundamental idea underlying a federal union. To allow one unit of the Federation to carry on commercial warfare against another unit is nothing but negation of federation.

(4) Relationship of the People under the Federation

Before I enter into this question it is necessary to clear the ground by pointing out certain distinctions. The words 'State' and 'Society' are often presented as though there was a contrast between the two. But there is no distinction of a fundamental character between a State and a society. It is true that the plenary powers of the State operate through the sanction of law while society depends upon religious and social sanctions for the enforcement of its plenary powers. The fact, however, remains that both have plenary powers to coerce. As such, there is no contrast between state and society. Secondly, the persons composing society are persons who are also members of the State. Here again, there is no difference between State and Society.

There is, however, one difference, but it is of another kind. Every person, who is a member of society and dwells in it, is not necessarily a member of the State. Only those who dwell within the boundary of the State do not necessarily belong to the State. This distinction between those, who belong to the State and those who do not, is very crucial and should not be forgotten because it has important consequences. Those who belong to State are members and have the benefits of membership which consists of the totality rights and duties which they possess over against the State. From the side of duty the relation is best indicated by the word subject, from the side of rights it is best designated by the word citizen. This difference involves the consequence that those who dwell in the State without belonging to it have no benefit of membership which means that they are foreigners and not citizens.

Theoretically, the task of differentiating the foreigners from the citizens of a State would seem to be an easy task, in fact, almost a mechanical task. This is particularly true of an Unitary State. Here there is a simple question : What is the relation of this State as against any and all foreign States ? In a Federal State the matter is complicated by the fact that every individual stands in a dual relationship. On the one hand, he sustains certain relations to the Federal State as a whole ; and on the other he sustains certain relations to the State in which he may reside. The moment an attempt is

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made to define the status of a person in a Federal State, therefore, not one question, but several must be answered : What is the relation of this person to the Federal State, as against any and all foreign States ? What is the relation of this person to the State in which he resides ? Further is it possible to be a citizen of one State and not a citizen of Federal State ?

Such questions did not arise in Canada and Australia when they became federations. The reason was that persons residing in their respective units were natural born British subjects—a status which remained with them when the Federation came. After the Federation the powers of naturalization was given to the Federation and consequently every one who is naturalized by the Federation is a citizen of the Federation and therefore of every unit in it.

Such questions however did arise in the U.S.A., Switzerland and Germany, because before the Federation their units were all foreign States and their subjects were foreign subjects. But it is noteworthy that in all these cases a common citizenship was established as a part of the federation. A rule was established whereby it was accepted that a citizenship of one unit carried with it a citizenship of the Federation.

The case of the Indian Federation is similar to that of the U.S.A., Germany and Switzerland. The subject of an Indian State is a foreigner in British India as well as in another Indian State. The subject of a British Indian Province is a foreigner in every Indian State.

What does the Indian Federation do with regard to this matter ? Does it forge a common Citizenship for all Units which become members of the Federation ? The answer is no. A British Indian will continue to be a foreigner in every Indian State even though it is a Federal State after the Federation, as he was before the Federation. Similarly a subject of a Federated Indian State will be a foreigner in every British Indian Province after the Federation as he was before Federation. There is no common nationality. The whole principle of the Federation is that the ruler of a Federated State shall remain the ruler of the State and his subjects shall remain his subjects and the Crown as the ruler of the Federated Provinces shall remain the ruler of the Provinces and his subjects shall remain his subjects.

This difference in citizenship manifests itself in two specific ways.

Firstly, it manifests itself in the matter of right to serve. Federation being established under the Crown, only persons who are subjects of the Crown are entitled to serve under it. This is recognized by Section 262. This of course is an injustice to the subjects of the States. To prevent this injustice which of course is a logical consequence of difference of citizenship, power is given to the Secretary of State to declare the subjects of the Indian States eligible for service under the Federation. This is an anomalous state of affairs and although the injustice to Indian State subjects is mitigated, the injustice

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against British Indians in the matter of right to employment in Indian States continues. For, Indian States are not required to declare that British Indians shall be deemed to be eligible for service under them. That notwithstanding Federation such an anomaly should exist shows that this Federation is a freak.

Secondly, this difference in citizenship shows itself in the terms of the oath prescribed for members of the Legislature by Schedule IV.

In the case of a member who is a British subject the form of the oath is as under :

> "I, A.B., having been elected (or nominated or appointed) a member of this Council (or Assembly), do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter."

In the case of a person who is a subject of a Ruler of an Indian State the form of the oath is as follows :

> "I, A.B., having been elected (or nominated or appointed) a member of this Council (or Assembly), do solemnly swear (or affirm) that saving the faith and allegiance which I owe to C.D., his heirs and successors, I will be faithful and bear true allegiance in any capacity as Member of this Council (or Assembly) to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter."

The subject of an Indian State, it is obvious from the terms of the oath, owes a double allegiance. He owes allegiance to the ruler of his State and also to the King. Superficially the position seems not very different from what one find in the United States. In the United States the individual is a citizen of the Union as well as of the State and owes allegiance to both powers. Each power has a right to Command his obedience. But ask the question, to which, in case of conflict, is obedience due and you will see the difference between the two. On this question this is what Bryce has to say :

> "The right of the State to obedience is wider in the area of matters which it covers. *Prima facie* every State-law, every order of a competent State authority binds the citizen, whereas the National government has but a limited power; it can legislate or command only for certain purposes or on certain subjects. But within the limits of its power, its authority is higher than that of the State, must be obeyed even at the risk of disobeying the State.
>
> "Any act of a State Legislature or a State Executive conflicting with the Constitution, or with an act of the National Government, done under the Constitution, is really an act not of the State Government, which

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cannot legally act against the Constitution, but of persons falsely assuming to act as such government, and is therefore ipso jure void. Those who disobey Federal authority on the ground of the commands of a State authority are therefore insurgents against the Union who must be coerced by its power. The coercion of such insurgents is directed not against the State but against them as individuals though combined wrongdoers. A State cannot secede and cannot rebel. Similarly, it cannot be coerced.".

Can the Federal Government in India take the stand which the Union Government can when there is a conflict of allegiance? There can be no doubt that it cannot, for the simple reason that the allegiance to the King saves the allegiance to the Ruler. This is a very unhappy if not a dangerous situation.

(5) Strength of the Federal Frame

The existence in the country of one Government which can speak and act in the name of and with the unified will of the whole nation is no doubt the strongest Government that can be had and only a strong Government can be depended upon to act in an emergency. The efficiency of a Governmental system must be very weak where there exists within a country a number of Governments which are distinct centres of force, which constitute separately organized political bodies into which different parts of the nation's strength flows and whose resistance to the will of the Central Government is likely to be more effective than could be the resistance of individuals, because such bodies are each of them endowed with a government, a revenue, a militia, a local patriotism to unite them. The former is the case where the unitary system of Government prevails. The latter is the case where the Federal form of Government prevails.

The Indian Federation by reason of the fact that it is a Federation has all the weaknesses of a Federal form of Government. But the Indian Federation has its own added weaknesses which are not to be found in other Federations and which are likely to devitalize it altogether. Compare the Indian Federation with the Federation of the United States. As Bryce says, "the authority of the national Government over the citizens of every State is direct and immediate, not exerted through the State organization, and not requiring the co-operation of the State Government. For most purposes the National Government ignores the States, and it treats the citizens equally bound by its laws. The Federal Courts, Revenue Officers and Post Office draw no help from any State Officials, but depend directly on Washington ..... There is no local self-Government in Federal Matters ..... the Federal authority, be it executive or judicial, acts upon the citizens of a State directly by means of its own officers who are quite distinct from and independent of State Officials. Federal indirect taxes, for instance, are levied all along the coast and over the country by Federal custom-house collectors and excisemen acting under the orders

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of the treasury department at Washington. The judgments of Federal Courts are carried out by U.S. Marshals, likewise dispersed over the country and supplied with a staff of assistants. This is a provision of the utmost importance, for it enables the central, national Government to keep its fingers upon the people everywhere, and make its laws and the commands of its duly constituted authorities respected whether the State within whose territory it acts be heartily loyal or not, and whether the law which is being enforced be popular or abnoxious. The machinery of the national Government ramifies over the whole union as the nerves do over the whole body, placing every point in direct connection with the Central executive.".

Not one of these things can be predicated of the Indian Federation. It is a dependent Government and its relation with the people is not direct.

In the United States, the States as States have no place in the Central Government and although the States elect representatives to the Federal Legislature, political action at the centre does not run in State channels. There is no combination of States into groups and it is not the fashion for States to combine in an official way through their State organizations. How different is the Indian Federation! States, as such, have been given *de jure* recognition, they have been given *de jure* exemptions, and immunities from law. There are great possibilities of combined action and counteraction by States and Provinces over these exemptions and immunities. This is another reason which leads to the feeling that the Indian Federation will have very little vitality.

VI

BENEFITS OF THE FEDERAL SCHEME

The protagonists of the Federal Scheme have urged three grounds in favour of the acceptance of the Scheme. The first ground is that it helps to unite India. The second ground is that it enables British India to influence Indian India and to gradually transform the autocracy that is prevalent in Indian India into the democracy that exists in British India. The third ground is that the Federal Scheme is a scheme which embodies what is called Responsible Government.

These three arguments in favour of the Federal Scheme are urged in such seriousness and the authority of those who urge them is so high that it becomes necessary to examine the substance that underlies them.

1. Federation and the Unity of India

The advantages of common system of Government are indeed very real. To have a common system of law, a common system of administration and a feeling of oneness are some of the essentials of good life. But they are all the results which follow from a common life led under a common system of Government. Other things being equal, a federation as a common system of Government for the whole of India should be welcome. But does this Federation unite under one governmental system the whole territory called India in the Government of India Act, 1935 ? Is this an All India Federation ?

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That this fededation includes British India is of course true; when Provinces are declared to be the units of the Federation it means that British India is included in the Federation. Because the Provinces which are declared to be the units of the Federation compromise what is called Indian India. Indian India is no small tract. The following figures of area and population will give a comparative idea of the extent of British India and this Indian India:

	Area in square miles (1931)	Population (1931)
British India excluding Burma and Aden.	8,62,630	2,56,859,787
Indian States	7,12,508	81,310,845

It will be seen that Indian India comprises 39 per cent of the population and 31 per cent of India as a whole.

How much of this Indian India is going to be brought under this Federation?

Many will be inclined to say that as this is spoken of as an All India Federation every inch of this area will be included in the Federation and will be subject to the authority of the Federal Government Such an impression is no doubt created by the wording of Section 6(*1*) which relates to the accession of the states. This section speaks of a Ruler declaring his desire to join the Federation and thereby suggesting that every State is entitled to join the Federation. If this is true, then no doubt the Federation can in course of time be an All India Federation. But this impression is wrong. Such an impression cannot arise if Section 6(*1*) is read with Schedule I of the Act Schedule I is merely thought of as a schedule which contains a Table of Seats for the Rulers. This is a very incomplete reading of the Schedule. The Schedule does more than that. It not only gives a table of seats, but also enumerates the States which are entitled to join the Federation and thereby fixes the maximum number of States which can come within the Federation if they wish to do so. In other words it is not open to every State to join the Federation. Only those enumerated can join. This is the significance of the Table of Seats given in Schedule I.

What is the total number of the states which can join the Federation ? Schedule I limits the number to 147. A number of questions crop up by reason of this limit fixed by the Schedule. According to official figures there are in all 627 States in India. That means 480 States will remain outside the Federation and can never become part of the Federation. Can this be called an All India Federation? If it is to be an All India Federation, why are these States excluded? What is the position of these excluded

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States ? If they are not States with sovereignty why are they allowed to join the federation ? If they are not States with sovereignty and if the sovereignty is with the Crown, why has the Crown not transferred its sovereignty to the Federation in respect of these territories ? What will be the ultimate destiny of such excluded States? Will these be merged in some Indian States or will these be merged in some Indian Provinces? I mention all this, firstly because I want to show that this Federation is not an All India Federation and secondly because I want to draw attention to the move of some Indian States to get these excluded States to merge into them.

A second question may be raised. Will this Federation help to unite the people of British India and the Indian States into one nation ?

A Federation is necessarily a composite body. Within it are units which are smaller political communities. Above the units is a larger political community called the Federation. Whether these different political communities will remain merely political associations or whether they will develop a common social fabric leading ultimately to the formation of a nation will depend upon what form their association takes. As Bryce points out—

> "When within a large political community smaller communities are found existing, the relation of the smaller to the larger usually appears in one or other of the two following forms. One form is that of the League, in which a number of political bodies, be they monarchies or republics are bound together so as to constitute for certain purposes, and especially for the purpose of common defence, a single body. The members of such a composite body or league are not individual men but communities. It exists only as an aggregate of communities, and will therefore vanish so soon as the communities which compose it separate themselves from one another. Moreover it deals with and acts upon these communities only. With the individual citizen it has nothing to do, no right of taxing him, or judging him, or making laws for him, for in all these matters it is to his own community that his allegiance is due.
>
> "In the second form, the smaller communities are mere sub-divisions of that greater one which we call a nation. They have been created, or at any rate they exist, for administrative purposes only. Such powers as they possess are powers delegated by the nation, and can be overridden by its will. The nation acts directly by its own officers, not merely on the communities, but upon every single citizen and the nation, because it is independent of these communities, would continue to exist were they all to disappear ……".

The former is the case where the form of Government is a confederation. The latter is the case where there exists a unitary form of Government. A Federal Government is between the two. It must not however be assumed that nationalism is compatible only with a Unitary Government and

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incompatible with a Federal form of Government. It must be borne in mind that as a nation may be found in being, so also a nation, may be brought into being. In a Federal Government there may be at the start no nation, it may be a collection of heterogeneous communities. But it is possible to have in the end a nation even under a Federal Government. The most striking case is that of the United States of America. Mr. Bryce relates a story which is both interesting as well as instructive. This is the story and I give it in his own words. "Some years ago the American Protestant Episcopal Church was occupied at its triennial Convention in revising its liturgy. It was thought desirable to introduce among the short sentence a prayer for the whole people; and an eminent New England Divine proposed the words, 'O Lord, bless our nation'. Accepted one afternoon on the spur of the moment, the sentence was brought up next day for reconsideration, when so many objections were raised by the laity to the word 'nation', as importing too definite a recognition of national unity, that it was dropped, and instead there were adopted the words, 'O Lord, bless these United States.' Notwithstanding this prayer to the Lord, notwithstanding the reluctance to encourage the idea of a nation over against the idea of the states and notwithstanding the federal form oi Government the United States is a nation. That it is a nation in the social sense of the word is incontrovertible."

How has this happened in the United States ? Can we hope to see this happen in India under the Federal Scheme ? Bryce explains how this happened in America. He points out that in America "The Central or National Government is not a mere league, for it does not wholly depend on the component Communities which we call the States. It is itself a Commonwealth as well as a Union of Commonwealths, because it claims directly the obedience of every citizen, and acts immediately upon him through its Courts and executive officers". It can tax him, make law for him and judge him. In short it is the process of Government which is responsible largely if not wholly for moulding the Americans into a nation and that this was possible because in the Federal Form of Government of the United States there is a direct contact between the National Government and the individual.

Is this possible under the Indian Federal Scheme ? My answer is that such a thing is not possible. The people in the Indian States remain the subjects of the States. The Federal Government cannot deal with them directly. Everything has to be done through the State. There is no contact between the two, not even for purposes of taxation. How can a feeling that they belong to the national Government grow in the subject of the Indian States if they are excluded from any and every influence and are not even made to feel the existence of the National Government ? I am afraid this United States of India will not be more than a mere body

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of United States. It has no potentiality of forging a nation out of these States and probably the framers of the Scheme have had no such intention at all.

2. Democratization of Autocracies

The other advantage of the Federal Scheme which is claimed by its protagonists is that it brings beneath the dome of a single political edifice the new democracies of British India and the ancient autocracies of the Indian States and that by bringing the two under one edifice it provides contact between democracy and autocracy and thus enables the democracy in British India to democratize the autocracies in the Indian States. To examine this argument and to see how much force there is behind it, it is well to note that the Indian States and the British Indian Provinces are geographically contiguous. There is regular intercourse between them. The people of British India and those of the Indian States racially, linguistically and culturally form parts of one whole. With all these contacts and with all the unity of race, religion, language and culture British India has not been able to influence at all the forms of government which are prevalent in the Indian States. On the contrary while British India has advanced from autocracy to democracy, the Indian States have remained what they were with their fixed form of government. Unless therefore there is something special in the Act itself which enables British India to exercise its influence on the Indian States through the legislature and through the executive, this argument can have no substance at all. Is there anything in the Act which gives British India power to influence the States ? In this connection reference may be made to section 34(*1*) which deals with the procedure in the legislature with respect to the discussion and voting of the Budget estimates.

From an examination of this Section it will be clear that the estimates relating to para (*a*) and para (*f*) of sub-section (*3*) of section 33 cannot even be discussed by the Federal legislature. Para (*a*) of sub-section (*3*) refers to the salary and allowances of the Governor-General and other expenditure relating to his office for which estimate is required to be made by Orders in Council, and para (*f*) relates to the sums payable to His Majesty under this Act out of the revenue of the Federation in respect of the expenses incurred in discharging the functions of the Crown in its relations with the Indian States. Another section which has a bearing upon this point is Section 38. Section 33 is a section which deals with the making of the rules by the Federal legislature for regulating its procedure in the conduct of its business. While this section permits the Federal legislature to make its own rules it allows the Governor-General to make rules —

> (*c*) or prohibiting the discussion of, or the asking of questions on, any matter connected with any Indian State, other than a matter with

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respect to which the Federal legislature has power to make laws for the State, unless the Governor-General in his discretion is satisfied that the matter affects Federal interest or affects a British subject and has given his consent to the matter being discussed or the question being asked ;

(*d*) For prohibiting —

(*i*) the discussion of, or the asking of questions on, any matter connected with relations between His Majesty or the Governor-General and any foreign State or Prince ; or

(*ii*) the discussion, except in relation to estimates of expenditure of, or the asking of questions on, any matter connected with the tribal area or the administration of any excluded area; or

(*iii*) the discussion of, or the asking of questions on, the personal conduct of the ruler of any Indian State, or of a member of the ruling family thereof;

and the section further provides that if and so far as any rule so made by the Governor-General is inconsistent with any rules made by the Chamber, the rules made by the Governor-General shall prevail.

Another section having a bearing on this point is section 40. It says: "No discussion shall take place in the Federal legislature with respect to the conduct of any judge of the Federal Court or a High Court in the discharge of his duties and provides that in this sub-section the reference to a High Court shall be construed as including a reference to any court in a Federated State which is a High Court for any of the purposes of Part 9 of this Act." Similar provisions are contained in that part of the Act which relates to the constitution of the provincial legislatures. Section 84 is a counterpart of section 38 and prevents any member of a Provincial legislature from asking any question with regard to the personal conduct of the ruler of any Indian State or the affairs of a State. Section 86 is a counterpart of section 40.

Now it is obvious that the two most important ways open to a Legislature for influencing the conduct of the administration is by discussion of the Budget and by asking questions. The discussions on the budget had its origin in the theory which postulates that there can be no supply given to the executive unless the grievances of the people were redressed. The slogan of democracy has been : Redress of grievances before supplies of moneys. The discussion on the budget is the one opportunity of placing the grievances of a people before the executive. It is therefore a very valid privilege, as will be seen from section 34, the legislature is prevented but from placing the grievances of the subjects of the States before the executive on the floor of the House. Similarly, the right to interrogate and ask questions

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is also valid privilege, but that also is denied. The right to criticise on a proper motion the conduct of the judiciary is always open to the legislature, but that also has been excluded. It is difficult to see exactly in what way the Federal legislature could influence the internal administration of the Indian States. Not only the representatives of British India are prevented from asking any question or moving any resolution with regard to the internal administration of the States, but the same disability is imposed upon the representatives of the States themselves who are the victims of this maladministration.

Compare with this the influence which the Federated States are in a position to exercise over British India.

In the first place there is no restriction on the representatives of the Federated States in the matter of asking any question or raising any matter in the Federal Legislature. The fact that the question or matter touches British India and relates to internal administration of British India is not a bar against the representatives of the Federated States from raising such an issue.

Secondly, there is no restraint upon the representatives of the Federated States in the matter of discussing and voting upon the financial proposals of the Federal Government. The fact that any such proposal affects British India only and does not affect the States can cause no legal impediment in their way.

Thirdly, in the matter of Legislation the Representatives of the Federated States are free to vote upon any measure brought before the Federal Legislature. There are two lists over which the legislative authority of the Federation extends—The Federal list and the Concurrent list. The provinces are wholly bound by the Federal List. A Federated State is not wholly bound by it. The provinces are wholly bound by the concurrent list. A Federated State may not be bound at all. Yet the State represenatives have a right to vote upon any measure falling under either of the two lists. In other words the Federal Scheme gives the States the right to legislate for British India, while British India gets no such right to legislate for the States except to the extent to which the States choose to subject themselves to these two legislative lists.

The scope of this Legislative influence by the States over British India is by no means small nor is it inconsequential. To Confine to the Concurrent list only, it includes 36 subjects. Among the 36 are such subjects as, Criminal Law, Criminal and Civil Procedure, Professions, Newspapers, Books and Printing Press etc. It is clear that these subjects are vital subjects. They affect the liberties of the people in the Provinces. Now as the States have a right to participate and vote upon all legislation within the Concurrent list, the Indian States will have the right and the authority to pass legislation affecting the rights, privileges and liberties of British Indians in the Provinces.

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Further in the Legislative sphere, so far as it relates to the Concurrent List the States have obtained authority without any obligation. They are free to legislate and need not consider their own case in doing so because they are not bound, by the laws they make. Their conduct can be as irresponsible as they may choose to make it.

It is however an understatement to say that the States have only a right to influence administration and Legislation in British India. The truth is that the States can dominate British India because they can maintain in office a ministry in the Federal Government although it is defeated by a majority of the representatives of British India on a matter purely affecting India. This is because they have a right to vote upon any motion including a non-confidence motion irrespective of the question whether the motion relates to a matter which affects them or not If this does not vest control over British India in Indian States I wonder what will.

The injustice and anomaly of the States taking part in the discussions of the internal affairs of British India while the representatives of British India having no corresponding right to discuss the affairs of the States was sought to be remedied by limiting the rights of the States to discuss and vote upon such questions as did not relate to internal affairs of British India, but the Princes and their representatives have always been against such distinction being drawn and they insisted that on any matter on which the fate of the Ministry depended they must have the right to decide upon the future of that Government. The constitution has given effect to the point of view of the Princes and set aside the point of view of British India.

This comparison shows that the States are placed by law in a position to control the affairs of British India and by the same law British India is disabled from exercising any influence over the States. That this is the true state of facts must be admitted by all. In other words the Federal Scheme does not help, indeed hinders British India from setting up in motion processes which would result in the democratisation of the Indian States. On the other hand it helps the Indian States to destroy democracy in British India.

3. Federation and Responsibility

Let us examine the plea of Responsibility. From the stand-point of British India it is of more decisive importance than the two other pleas and must be scrutinized more carefully.

It cannot be denied that the Federation has some degree of responsibility. The question is what is the degree of that responsibility and whether within its sphere it is a responsibility which can be called real.

Let us ask, how much responsibility is there in this Federation ? To be able to answer this question, you should read sections 9 and 11 together,

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By reading them together you will get an idea of the extent of this responsibility. According to these two sections the field of Governmental Authority is divided into two categories. In one category are put four subjects (1) Defence, (2) Ecclesiastical affairs, (3) External affairs, and (4) the Administration of Tribal Areas. The rest of the subjects within the executive authority of the Federation are put in another and a separate category. The executive authority for both these categories is vested in the Governor-General. But a distinction is made between them in the matter of Governmental Authority. The Governmental Authority in respect of the four subjects falling in the first category is under the Act the Governor-General in his discretion. The Governmental Authority in respect of the rest of the subjects put in the second category is under the Act, the Governor-General acting on the advice of the Minister. In the case of the first four subjects the Government is not responsible to the Legislature, because the Governor-General in whom the Governmental Authority in respect of these four subjects is vested is not removable by the legislature. In the case of the rest of the subjects the Government is responsible to the Legislature, because the ministers on whose advice the Governmental Authority is exercisable are removable by the Legislature. The responsiblity in the Federal scheme is therefore a case of limited responsibility. The responsibility does not extend to Defence and Foreign Affairs which after all are the most important subjects from social, political and financial point of view. The scheme has a close resemblance to dyarchy with the division of subjects into Reserved and Transferred such as was the basis of the Montagu-Chelmsford Reforms, which was embodied in the Provincial Constitution under the Government of India Act of 1919. The scheme of resposibility in the Federal Constitution under the Act of 1935 is an exact replica of the scheme of responsibility in the Provincial Constitution under the Act of 1919.

Is this responsibility real ? My answer is in the negative. I will give you my reasons. Firstly the field of responsibility besides being limited is not a free field of activity for ministers. To realize how fettered this limited field of responsibility is, we must note certain restraints which have been imposed upon the powers of the Ministers when acting in the field of responsibility.

The first set of restraints imposed upon the authority of the Ministers when acting in the field of responsibility arises from what are called the special responsibilities of the Governor-General.

There exist another set of restraints on the authority of the Ministers while exercising the Governmental Authority in respect of transferred subjects. To understand this you must understand one special feature of this Federal constitution. The constitution classifies subjects from the stand-point of

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Governmental Authority and that this classification has resulted in that division of subjects which for brevity's sake may be designated as Transferred and Reserved. The Constitution does not stop here. It goes further and proceeds to divide the category of Transferred subjects into two classes. (1) subjects over which the Ministers' Governmental Authority carries with it administrative control and (2) subjects over which the Governmental Authority of Ministers does not carry with it administrative control. As an illustration of this classification may be mentioned the case of Railways. Railways are a transferred subject. The Governmental Authority of the Ministers extends to Railways. But the Ministers have no right to exercise any administrative control over the Railways. The administrative control over Railways is vested in what is called the Railway Authority. The distinction between Governmental Authority with Administrative Control and Governmental Authority without administrative control is not a distinction without difference. On the other hand the difference between the two positions is very real. That difference is made clear in sub-clause (2) of section 181 in the matter of Railways. That distinction is the distinction between authority to lay down a policy and competency to act. It is for those who plead for this Federation to say whether there is reality of responsibility in a Scheme of Government where there is a divorce between competence to act and authority to lay down policy.

Two things are clear in regard to this Responsibility in the Federal Scheme. First is that this responsibility is limited in its ambit. Secondly it is not real because it is fettered by the restraints arising from the special responsibilities of the Governor-General and from the withdrawal from the Ministers Governmental Authority of their competence to act in certain subjects such as the Railways, although they are Transferred subjects.

I have stated that the system of responsibility in the Federal Scheme resembles the system of dyarchy introduced into the provinces under the Act of 1919. But if the Scheme of responsibility in the Federation was compared with the system of dyarchy introduced into the Provinces it will be found that the former is designed to yield less responsibility than the latter. There are two things introduced in the Federal Scheme which were not to be found in the dyarchy in the Provinces and there existed one thing in the dyarchy which is absent in the Federation. The presence of the two and the absence of one makes this dyarchy in the Federation worse than the dyarchy in the Provinces.

Of the two things that are new in the Federal Scheme one is the principle of special responsibilities of the Governor-General in respect of the Transferred field and the other is the separation between Governmental Authority from administrative control in respect of matters falling within the Transferred field. These two are new things and did not exist in the dyarchical constitution in the provinces.

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It may be said that the special responsibilities of the Governor-General is simply another name for the Veto power, that is the power to overrule the Ministers and that even in the English Constitution the King has such a Veto power. On the face of it, this view of special responsibilities of the Governor-General appears to be correct. But in reality it involves a misconception of the conditions and circumstances under which the King's Veto power can be exercised.

To my knowledge no one has explained the relationship of the King and his Ministers in a system of responsible Government better than Macaulay. To use his language—

> "In England the King cannot exercise his Veto power unless there is some Minister to take responsibility for the King's act. If there is no Minister to take responsibility the King must yield, fight, or abdicate." The Governor-General stands in a different position. He need not yield. He can act even if there is no Minister to take responsibility for his act. That is the difference between the King's Veto and the Veto of the Governor-General. What is however more important to note is that this Veto power exists in respect of the Transferred field. In the dyarchical constitution in the Provinces the Transferred field was not subject to such a Veto power of the Governor. In other words there were no special responsibilities of the Governor. If the Governor-General can overrule Ministers even in the Transferred field, question is what substance is there in Ministerial responsibility. I see very little.
>
> The second thing which is new is the separation between Governmental Authority and administrative control. Such a provision did not exist in the dyarchical constitution in the Provinces. In the dyarchical constitution of the Provinces when a subject was transferred both Governmental Authority as well as Administrative control was transferred to the Minister. You will ask yourself what substance is there in Ministerial responsibility if a Minister can only issue directions and cannot control the action taken thereunder ? I see very little.

The provision which existed in the dyarchical constitution of the Provinces and which has been omitted from the Federal Constitution relates to the financing of the Reserved subjects. Section 72D of the old Act of 1919 and sections 33 and 34 of the present Act may be usefully compared in this connection. Section 72D, sub-section (*2*) reads as follows:

> "The estimates of annual expenditure and revenue of the Province shall be laid in the form of a statement before the Council in each year, and the proposals of the local Government for the appropriation of provincial revenues and other moneys in any year shall be submitted to the vote of the Council in the form of demands for grants. The Council may assent, or refuse its assent, to a demand, or may reduce the amount therein referred to, either by a reduction of any of the items of expenditure

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of which the grant is composed." Compare with this section 34 of the present Act of 1935 ; sub-section (*1*) of section 34 reads as follows:

> "So much of the estimates of expenditure as relates to expenditure charged upon the revenues of the Federation shall not be submitted to the vote of the Legislature, but nothing in this sub-section shall be construed as preventing the discussion in either chamber of the Legislature of any of these estimates other than estimates relating to expenditure referred to in paragraph (*a*) or paragraph (*f*) of sub-section (*3*) of section 33."

According to section 33 expenditure charged on the revenues of the Federation includes expenditure on the reserved subjects. On a comparison between the provisions of the two Acts, it is clear that under the old Act no distinctions were made by section 72D between Transferred and Reserved subjects, so far as the powers of the Legislature in regard to the granting of supply were concerned and the expenditure on Reserved subjects was not only open to discussion but was also subject to the vote of the Legislature. Under the provisions of section 34, of the new Act the Federal Legislature can only discuss the expenditure on the reserved subjects but cannot vote upon it. This is a very important distinction. Under the old constitution even the reserved subjects were amenable to the financial powers of the Legislature. Under the present constitution they arc independent of the financial powers of the Federal Legislature. It is true that in the provincial Constitution the vote of the Legislature with regard to expenditure on reserved subjects was not final. That under a proviso to section 72D the Governor was given the power "in relation to any such demand to act as if it had been assented to, notwithstanding the withholding of such assent or the reduction of the amount (by the Legislature) if the demand relates to reserved subject, and the Governor certifies that the expenditure provided for by the demand is essential to the discharge of his responsibility for the subject". It is also true that in the Government of India Act, 1935 the amount of expenditure on reserved subjects is fixed to 42 crores. But the same difference exists, namely that under the old constitution the reserved subjects were amenable to the financial control of the Legislature while in the new constitution they are not. This difference is not a small difference. The power to grant supplies is the most effective mode of enforcing the responsibility of the executive. The power of certification might have deprived the Legislature of control of the reserved subjects. But it did not altogether destroy its influence. Under the present constitution the Legislature has not only no control over reserved subjects but also it cannot have any influence over them. There can therefore be no doubt that there was more responsibility in the dyarchy in the old Provincial Constitution than there is in this dyarchy in the Federation.

The fact that the Executive is not responsible to the Legislature is simply another way of stating that in the Federal Scheme the Executive

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is supreme. This supremacy of the Executive may be maintained in various ways. It may be maintained by curtailing the powers of the Legislature or it may be maintained by planning the composition of the Legislature in such a way that the Legislature will always be at the beck and call of the Executive.

The Federal Scheme adopts both these means. In the first place, it limits the powers of the Federal Legislature. I have already described how greatly the Federal Scheme curtails the financial powers of the Federal Legislature. The Federal Legislature has no right to refuse supplies to any expenditure which is declared to be a charge on the revenues.

The Federal Scheme also curtails the Legislative powers of the Federal Legislature. These restraints are specified in section 108 which reads as follows :

"108. (*1*) Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, either Chamber of the Federal Legislature, any Bill or amendment which—

(*a*) repeals, amends or is repugnant to any provisions of any Act of Parliament extending to British India ; or

(*b*) repeals, amends or is repugnant to any Governor-General's or Governor's Act, or any ordinance promulgated in his discretion by the Governor-General or a Governor; or

(*c*) affects matters as respects which the Governor-General is, by or under this Act, required to act in his discretion; or

(*d*) repeals, amends or affects any Act relating to any police force ; or

(*e*) affects the procedure for criminal proceedings in which European British subjects are concerned ; or

(*f*) subjects-persons not resident in British India to greater taxation than persons resident in British India or subjects companies not wholly controlled and managed in British India to greater taxation than companies wholly controlled and managed therein ; or

(*g*) affects the grant of relief from any Federal tax on income in respect of income taxed or taxable in the United Kingdom.

(2) Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in a Chamber of a Provincial Legislature any Bill or amendment which—

(*a*) repeals, amends or is repugnant to any provisions of any Act of Parliament extending to British India ; or

(*b*) repeals, amends or is repugnant to any Governor-General's Act, or any ordinance promulgated in his discretion by the Governor-General; or

(*c*) affects matters as respects which the Governor-General is by or under this Act, required to act in his discretion ; or

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(*d*) affects the procedure for criminal proceedings in which European British subjects are concerned ;

and unless the Governor of Province in his discretion thinks fit to give his previous sanction, there shall not be introduced or moved any Bill or amendment which—

(i) repeals, amends or is repugnant to any Governor's Act, or any ordinance promulgated in his discretion by the Governor; or

(ii) repeals, amends or affects any Act relating to any police force.

(3) Nothing in this section affects the operation of any other provision in this Act which requires the previous sanction of the Governor-General or of a Governor to the introduction of any Bill or the moving of any amendment."

The Federal Scheme does not stop with merely curtailing the power of the Federal Legislature as a means of maintaining the supremacy of the Executive. Under it the composition of the Federal Legislature is so arranged that the Legislature will always be at the beck and call of the Executive. In this connection it is necessary to bear in mind what the actual composition of the Federal Legislature is. As has already been pointed out there are 375 members in the Legislative Assembly and of them 125 have been assigned to the Indian States and 250 to British India. In the Council of State the total is 260 and of them 104 are assigned to the States and 156 are alloted to British India. The seals assigned to the States are to be filled by the Princes by nomination. The scats assigned to British India are to be filled by election. The Federal Legislature is therefore an heterogeneous legislature partly elected and partly nominated.

The first question to be considered is how the Princes' nominees in the Federal Legislature will behave. Will they be independent of the Federal Executive or will they be subservient to it ? It is difficult to prophesy. But certain influences which are likely to play a part in the making of these nominations may be noted- It is an indisputable fact that the British Government claims what are called rights of paramountcy over the States "Paramountcy" is an omnibus term to denote the rights which the Crown can exercise through the Political Department of the Government of India over the States. Among these rights is the right claimed by the Political Department to advise the Indian Princes in the matter of making certain appointments. It is well known that what is called "advice" is a diplomatic term for dictation. There is no doubt that the Political Department will claim the right to advise the Princes in the matter of filling up these places. Should this happen, what would be the result ? The result would be this that the Princes' representatives would be simply another name for an official block owing allegiance, not to the people and not even to the Princes, but to the Political Department of the Government of India. Two things must be further noted. First is that Paramountcy is outside the Federal Government.

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That means that the Ministers, will have no right to give any advice in the matter of the nomination of the Princes' Representatives and the Legislature will have no right to criticise it. They will be under the control of the Viceroy as distinct from the Governor-General. Secondly, this official block of the Princes is not a small block. In the Lower House a party which has 187 seats can command a majority. In the Upper Chamber a party which has 130 seats can command a majority. In the Lower House the Princes have 125 seats. All that they need is a group of 62 to make a majority. In the Upper Chamber they have 104 ; all that they need is 26. All this vast strength the Executive can command. How can such a Legislature be independent ? The Reserved half can control the Transferred half with this strength in its possession.

How will the representatives of British India behave ? I cannot make any positive statement. But I like it to be borne in mind that in some States there is no such thing as a regular budget and there is no such thing as independent audit and accounts. It would not be difficult for the Princes to purchase support from British India representatives. Politics is a dirty game and British India politicians cannot all be presumed to be beyond corruption and when purchases can be made without discovery the danger is very real.

Look at the Federal Scheme any way you like and analyze it as you may its provisions relating to responsibility, you will see that of real responsibility there is none.

VII

THE BANE OF THE FEDERAL SCHEME

There is no one who does not recognize that this Scheme for an All Indian Federation is full of defects. A difference of opinion arises only when the question is asked what shall we do about it. The answers given to this question by prominent Indians from time to time disclose that broadly speaking, there are two quite different attitudes to this Federation. There is the attitude of those who think that bad as it is, we should accept the Federation and work it so as to derive whatever good it can yield. On the other hand, there is the attitude of those who think that certain changes must be made in the Constitution of the Federation before it can be accepted and worked. It is agreeable to find that both the Congress as well as the Liberal Federation are one on this issue. Both have declared that certain changes must be made before they will accept to work the Federation.

That this Federation is not acceptable to a large majority of the Indian people is beyond question. The question is in what respects should we require the Constitution to be amended ? What are the changes which we should demand ? We may take as our starting point the resolutions passed by the Congress and the Liberal Federation relating to this question.

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The Congress at its session held at Haripura in 1938 passed the following resolution:

"The Congress has rejected the new Constitution and declared that a Constitution for India, which can be accepted by the people, must be based on independence and can only be framed by the people themselves by means of a Constituent Assembly, without interference by any foreign authority. Adhering to this policy of rejection, the Congress has, however, permitted the formation in provinces of Congress Ministries with a view to strengthen the nation in its struggle for independence. In regard to the proposed Federation, no such considerations apply even provisionally or for a period, and the imposition of this Federation will do grave injury to India and tighten the bonds which hold her in subjection to imperialist domination. This scheme of Federation excludes from the sphere of responsibility vital functions of Government.

The Congress is not opposed to the idea of Federation ; but a real Federation must, even apart from the question of responsibility consist of free units enjoying more or less the same measure of freedom and civil liberty, and representation by the democratic process of election. The Indian States participating in the Federation should approximate to the provinces in the establishment of representative institutions and responsible Government, civil liberties and method of election to the Federal Houses. Otherwise the Federation as it is now contemplated, will, instead of building up Indian unity, encourage separatist tendencies and involve the States in internal and external conflicts.

The Congress therefore reiterates its condemnation of the proposed Federal Scheme and calls upon the Provincial and Local Congress Committees and the people generally, as well as the Provincial Governments and Ministries, to prevent its inauguration. In the event of an attempt being made to impose it, despite the declared will of the people, such an attempt must be combated in every way and the Provincial Governments and Ministries must refuse to co-operate with it. In case such a contingenncy arises, the All India Congress Committee is authorised and directed to determine the line of action to be pursued in this regard.".

The resolution passed by the National Liberal Federation at its last session held in Bombay was in the following terms:

"The National Liberal Federation reiterates its opinion that the Constitution, especially as regards the Centre as embodied in the Government of India Act, 1935, is utterly unsatisfactory and in several respects retrogade. While the National Liberal Federation accepts a federal form of Government for India as the only natural ideal for our country, the Federation considers that vital changes are required in the form of the Federation as laid down in the Act

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especially in the direction of (*a*) clearing up the position of the Princes and securing the subjects of States the right of election of States' representatives, (*b*) doing away with the safeguards regarding the monetary policy and commercial discrimination, (*c*) introducing direct elections for the members of the Federal Assembly by the Provinces and (*d*) making Constitution sufficiently elastic so as to enable India to attain Dominion Status within a reasonable period of time.

The National Liberal Federation considers that the present position when there is an irresponsible Government in the Centre coupled with responsible Governments in the Provinces is altogether untenable and earnestly urges on Parliament to make immediate changes in the Federal part of the Constitution so as to make it generally acceptable.

The Federation is further of opinion that these modifications are essential for the successful working of the Federal Constitution."

Should these changes demanded by the Congress or by the Liberal Federation suffice to alter the present attitude of rejection into one of acceptance of Federation? Speaking for myself I have no hesitation in saying that the changes asked for in these Resolutions even if they are made will not convert me. To my mind whether the British Parliament is prepared to alter this, that or the other detail of the Federal Scheme immediately is a very unimportant consideration. In the view I take of the matter the objections to the Federal Scheme will not be removed in the least even if the British Parliament will be ready to grant every one of the demands contained in these Resolutions. To me the fundamental question is whether this Federal Scheme is capable of so evolving that in the end India will reach her goal and it is from this point of view that I want you and every one interested to examine the Federal Scheme.

What is the goal of India's political evolution? There does not seem to any fixity or definiteness about it. The Congress which claims to voice the political aspirations of the Indian people began with good Government as its goal. It moved from good Government to Self-Government or Responsible Government ; from Responsible Government to Dominion Status and from Dominion Status it advanced to Independence. There the Congress stopped for some time in a mood of self-examination. Then there was period of vaccilation. Now it seems to have come back to Dominion Status and we shall not be very wrong if we take that to be the goal of India according to the Congress. Now the question is, can the Federal Scheme blossom in due course into Dominion Status ?

Many Indians seem to think that the question of Dominion Status is a matter of gift which lies in the hands of the British Parliament. If the British Parliament were to make up its mind to grant it, nothing can stand

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in the way. They contend that if India has no hope of Dominion Status, it is because the British Parliament refused to grant it. In support of their opinion they refer to the refusal of The British Parliament to add a Preamble to the Act of 1935 declaring Dominion Status as the goal for India.

It must be granted that the demand for such a preamble was a very proper one. In 1929 Lord Irwin with the consent of all the political parties in the British Parliament declared that the goal of India's political evolution was Dominion Status. What the Indians therefore wanted was not new. It had already been so stated authoritatively by the Governor-General and Viceroy, but the British Government refused to put such a preamble. The refusal was therefore a strange piece of conduct on the part of the British Government. But the grounds urged in support of the refusal were stranger still. The British Government sought to justify their conduct in not having a preamble in those terms on various grounds.

The first ground was that a preamble was a futility and that it had no operative force, but that argument was easily met. All Acts of Parliament have had Preambles expressing the purpose and the intention of Parliament. It is true that it has no legal effect, but all the same Courts have not held that a preamble is a futile thing. On the other hand, wherever there is any doubt with regard to the wording of a section, Courts have always resorted to the preamble as a key to understand the purpose of the enactment and made use of it for resolving any doubtful construction. Driven from this position, the British Government took another position and that was to repeal the Act of 1919 but to retain the Preamble to that Act. This again is a very queer thing. In the first place if the Preamble is a futility, there is no necessity to save the Preamble enacted as part of the Act of 1919. Secondly if the Preamble to the Act of 1919 was a necessity, it should have been enacted afresh as a part of this Act of 1935, which the British Government would not do. Instead it preferred to present the strange spectacle of the head separated from the trunk. The head is now to be found in the repealed Act of 1919 and the trunk is to be found in the present enactment of 1935. In the third place, what the Indian people wanted was a preamble promising Dominion Status and that is what the declaration of Lord Irwin contained. The preamble to the Act of 1919 speaks only of Responsible Government. It does not speak of Dominion Status and the retention of the Preamble to the Act of 1919 was to say the least the silliest business possible.

Why did the British Parliament refuse to enact a Preamble defining Dominion Status as the goal ? Why did the British Parliament run from pillar to post rather than grant the demand ? The explanation offered is of course the usual one namely, the perfidy of the Albion ! My own view is different. The British Parliament did not promise Dominion Status by

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enacting a preamble because it realized that it would be beyond its power to fulfil such a promise. What the British Parliament lacked was not honesty. Indeed it was its honesty which led it to refuse to enact such a preamble because it knew that it could not give effect to such a preamble. What it lacked was courage to tell the Indians that the Federal Scheme left no way for Dominion Status.

Why is Dominion Status impossible under the Federal Scheme? It is impossible because it is not possible to have Responsible Government. It must be borne in mind that to reach Dominion Status, India must first attain Responsible Government. To attain Responsible Government the subjects which are reserved must become transferred. That is the first stage in the process of evolution towards Dominion Status.

Some of you will want to know the reasons why I say that the reserved subjects cannot become transferred. They are sure to recall that there were Reserved subjects in the Provincial Scheme as they are in the Federal Scheme and will ask that if the reserved subjects have become transferred in the course of say 20 years what difficulty can there be in the similar things happening in the Federation. As the question is important, I proceed to give my reason. In the first place, the analogy of the Provinces is false. It is important to note why the analogy is false. It is false because in the Provincial Scheme the distinction between the reserved and the transferred subjects was based upon the requirements of administrative efficiency. That the distinction between the reserved and the transferred subjects in the Federal Scheme is based upon legal necessity and not upon administrative efficiency needs no proof. One of the reasons why the Simon Commission did not recommend dyarchy at the Centre was that it felt that administratively it was not possible to divide subjects into two water-tight compartments, one reserved and the other transferred, without affecting the efficiency of all ; and the Government of India's despatch on the Simon Commission entirely agreed with the view. The division, therefore, is not administrative in its basis. It is the result of a legal necessity. This is a fundamental distinction and ought never to be lost sight of.

How does this legal necessity arise? I say the legal necessity for treating certain subjects as reserved arises because of the Indian States. I go further and say that there would be necessity for treating certain subjects as reserved if the Federation was confined to the British India Provinces only. The reservation of certain subjects is a direct consequence of the entry of the Indian States into the Federation.

What is it, in the position of the Indian States which compels certain subjects to be treated as reserved ? To be able to answer this question I must first draw your attention to section 180 of the Government of India Act. Section 180 says —

> "Any contact made before the commencement of Part III of this Act by or on behalf of the Secretary of State in Council solely in

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connection with the exercise of the functions of the Crown in its relations with Indian States, shall, as from the commencement of Part III of this Act. have effect as if it had been made on behalf of His Majesty and references in any such contract to the Secretary of State in Council shall be construed accordingly."

This section gives statutory form to the contention put forward by the Princes before the Butler Committee and accepted by them, that the treaties of the Indian States were with the Crown of England as such and not with the Government of India.

The next step is to note what follows from this theory. Now what follows from this theory is very crucial, but has been unfortunately allowed to pass without due care and attention. The Princes have contended that as treaty relations of the Indian States are with the Crown of England, the duty and responsibility of fulfilling the obligations arising under those treaties lay solely upon the Crown of England and the Crown of England must at all times maintain itself in a position to fulfil those obligations.

What is the obligation which the treaties with the Princes impose upon the Crown of England ? The Principle of obligation imposed upon the Crown of England and which the Crown of England has undertaken by the treaties is to protect the Princes from internal commotion and external aggression.

How can the Crown fulfil this obligation ? The only way, it is argued, that the Crown can fulfil this obligation is to reserve external affairs and the Army under its exclusive control.

You can now understand why I say that the necessity of reserved subjects is due to a legal necessity. That legal necessity flows from the treaty obligations of the Crown and so long as the basis of the treaty relations remains what Section 180 says it is, the reserved subjects cannot become transferred subjects. And as the reserved subjects cannot become transferred, there is no scope even for Responsible Government much less for Dominion Status.

From the analysis I have made of the Constitution, from the stand-point of the ultimate goal, few, I believe, will have any hesitation to say that this Constitution is a fixed and rigid constitution. It cannot change and therefore it cannot progress. It is a constitution which is striken at the very base and it is for the people of India to consider whether they will accept it.

I have examined the Constitution from the stand-point of our goal at so considerable a length that I feel I owe you an apology for tiring you. But the attitude of some people towards this question must be my excuse

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for entering into this subject at such great length. I realize that no Constitution is a perfect constitution. Imperfections there are bound to be. But I think a distinction must be drawn between imperfections and inherent and congenital deficiencies. Imperfections can be removed. But congenital deficiencies cannot be supplied. The demands made in the resolutions of the Congress or of the Liberal Federation, even if granted, will remove the imperfections. But will they remove the deficiencies ? I would not mind the imperfections if I was assured that there are no deficiencies. The greatest deficiency in the Constitution is that it will not lead to Dominion Status. Neither the Congress nor the Liberal Federation seems to be aware that this deficiency exists. Their demands have no relation to the goal of India's political evolution. They do not even mention it. It is surprising that Congressmen should have become so enamoured of the prospect of seizing political power that their demands against the British Government should not even contain a declaration from the British Government in this behalf. But if Congress forget, the people of India cannot and should not. To do so would be fatal. It would be fatal as much for an individual as for a people to forget that a stage on the way is not the home and to follow the way without knowing whether it leads homewards or not is to misdirect one-self and fall into a ditch.

You must not misunderstand me. I am not an impatient idealist. I am not condemning the gradualist, who is prepared to wait and take thing by instalments, although the gradualist, who has a valid claim for a rupee, demands an anna and proclaims a great victory when he gets a pie, must become an object of pity. All I want is that if circumstances force us to be gradualists we must not fail to be realists. Before accepting an instalment we should examine it carefully and satisfy ourselves that it contains an acknowledgement of the whole claim. Otherwise, as often happens what is good for the moment turns out to be the enemy of the better.

Some of you will ask, how can India secure Dominion Status. My answer is India will get Dominion Status only if the Princes who join the Federation, consent to its being granted. If the Princes object to the grant of Dominion Status to India, then India cannot get Dominion Status. The Federation places the strings of India's political evolution in the hands of the Princes. The destiny of India will be controlled by the Princes.

This view of the future will strike as very strange to a great many of you. We are all saturated with Dicey's dictum regarding the Sovereignty of Parliament. We all have learned from him that Parliament is supreme, that it is so supreme that it can do anything except make man a woman and woman a man. It would not be unnatural if some of you ask how can the Princes stand in the way when the British Parliament is supreme. It will take some effort on your part to accept the proposition that the British Parliament has no supremacy over the Indian Federation. Its authority to change the Federal Constitution now embodied in the government of India Act is strictly limited.

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Indian politicians have expressed their sense of sorrow and resentment over the fact that the Indian Legislatures have not been given by the Act any constituent powers.

Under the Government of India Act neither the Federal Legislature, nor the Provincial Legislature have any powers of altering or amending the constitution. The only thing, which the Act by virtue of section 308 does. is to permit the Federal Legislature and Provincial Legislature to pass a resolution recommending any change in the constitution, and make it obligatory upon the Secretary of State to place it before both Houses of Parliament. This is contrary to the provisions contained in the Constitutions of the United States, Australia, the German Federation and Switzerland. There is no reason why constituent power should not have been given within certain defined limits to the Legislatures in India when they were fully representative of all sections and of all interests. Be that as it may, the fact remains that the Indian Legislatures cannot make any changes in constitution, not even in the franchise, much less in making the reserved subjects transferred. The only authority which can change the Constitution is of course the British Parliament. But very few seem to be aware of the fact that even Parliament has no powers to alter the Federal Constitution. This, however, is the truth and the sooner we all realize it the better.

From this point of view the importance of Schedule II cannot be overestimated. I am sorry, it has not received the attention which it deserves. Schedule II is not only a charter but is also a chart along which the Constitution can move. The whole Schedule is worth careful study. What does Schedule II say ? Schedule II says that certain provisions of the Government of India Act may be amended by Parliament and that certain other provisions of the Act shall not be amended by Parliament. That is simply another way of saying that Parliament is not supreme and that its right to alter the Constitution is limited.

What would happen if Parliament did amend those provisions of the Act which Schedule II says shall not be amended by Parliament ? The answer, which Schedule II gives, is that such an Act will have the effect of 'affecting' the accession of the States to the Federation, which means it will have the effect of destroying the binding character of the Instrument of Accession. In other words, if Parliament amended any of the provisions of the Act, which Schedule II says shall not be amended, the Princes would get the right to secede from the Federation. I am aware that some eminent lawyers have taken a different view. They hold that the Princes, once they come into the Federation, cannot go out of it. I have mentioned my view for what it is worth and I will say that my view is not altogether baseless.

At any rate the Solicitor-General and Secretary of State gave the same interpretation, as I am giving, in the House of Commons, when the Government of India Bill was being discussed.

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The Solicitor-General said:

"The States will not agree to federate in a structure which within limits, is definite and certain and obviously we could not completely alter the structure afterwards. The purpose of this clause is to lay down those matters which can be altered without being regarded as fundamental or as impinging on the Instrument of Accession." ..... "If the structure were to be altered in fundamental respects, of course the States would clearly have the right to say "This is not the Federation to which we have acceded."

The Secretary of State said :

"If you amend the parts of the Bill which affect the States, obviously you would be altering the conditions on which they have acceded and that would certainly create a situation in which the Princes could rightly claim that their Instrument of Accession had been altered. It certainly means that we cannot amend any part of the Bill which affects what is virtually the treaties under which the Princes come in. If we make a change in the Bill as to strike at the basis of their Instrument of Accession then obviously, the agreement has been broken between the Princes and Parliament and the Princes are free."

"It will be accepted by every one that under the general scheme of the Bill the States, when they are asked to federate are entitled to know with certainty certain aspects at any rate, of the Federation to which they are to accede. It would be an absurd position if having said to a State this month, "Will you accede to a Federation," it was possible next month for this House to alter in some fundamental respects the provisions of the Federation to which the State was held to have acceded. Therefore, some schedule of this kind is necessary. It is a sorting out of the various parts of the Bill which should be capable of amendment without in any sense altering from the point of view of the States the constitutional machinery to which they have acceded. The scheme of the Schedule is to set out the provisions of the Act, the amendment whereof is not to affect the validity of the Instrument of Accession of a State."

"One sees set out those parts of the Bill the amendment of which is not to affect the validity of the Instrument of Accession of a State, and on the opposite side there are set out those subjects the amendment of which, would affect the validity of accession. In drawing up a schedule of this kind one has to proceed with great care in defining what are the legitimate matters on which the Rulers of a State are entitled to ask that there shall be no amendment without their consent. Of course there will be border-line cases. There could be minor amendments, which would not really make any great difference to the existing position, and it would be very unreasonable

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if the States took objection to such amendments and said, "We are going to stand on our rights on this point as affecting the validity of our Instrument of Accession." It is right that any matter which really affects what I may call the general balance of powers, the questions of the reservation of subjects of executive control and of matters which can be dealt with by the Governor-General in his discretion, matters which are vital to the architecture of the Federation to which the States are asked to accede, should not be amended without their assent.

"The whole area of the special powers vested in the Governor-General is one of the essential features of the Federation. That is one part where the States are entitled to say 'That is a change' or 'That is altered'. But this does not in any way check for all time the development of India. These are to be the subject-matter of negotiations with the States, because, in effect, they will produce a Federation of a different kind from that to which the State has acceded."

Therefore to the question what would happen if Parliament did make such changes which by virtue of Schedule II are treated as changes which will affect the Instrument of Accession the answer is that the Princes will get a right to walk out of the Federation. In other words, the consequence of any such change would be to break up the Federation.

What are the changes which cannot be made without affecting the Instrument of Accession ? I will draw your attention to some of the provisions which Schedule II says cannot be amended by Parliament without affecting the Instrument of Accession. According to Schedule II no changes in the Constitution can be made which relate to (1) the exercise by the Governor-General of the executive authority of the Federation ; (2) the definition of the functions of the Governor-General ; (3) the executive authority of the Federation ; (4) the functions of the Council of Ministers and the choosing and summoning of ministers and their tenure of office ; (5) the power of the Governor-General to decide whether he is entitled to act in his discretion or exercise his individual judgment ; (6) the functions of the Governor-General with respect to external affairs and defence ; (7) the special responsibilities of the Governor-General relating to the peace and tranquility of India or any part thereof ; (8) the financial stability and credit of the Federal Government; (9) the rights of the Indian States and the rights and dignity of their Rulers; (10) the discharge of his functions by or under the Act in his discretion or in the exercise of his individual judgment ; (11) His Majesty's Instrument of Instructions to the Governor-General ; and (12) the superintendence of the Secretary of State in the making of the rules for the Governor-General in his discretion for the transaction of and the securing of transmission to him of information with respect to, the business of the Federal Government.

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Schedule II is a very extensive collection of constitutional don'ts. I have given just a few of them. They will however be sufficient to show how limited is the authority of Parliament to make changes in the Constitution.

Why is the authority of Parliament limited ? To understand this it is necessary to note the exact limits of the authority of Parliament. According to law the authority of the Parliament to legislate extends only to countries which are the Dominions of the King. The States did not form part of the Dominions of the King and none of them not even the finest of them was subject to the legislative authority of Parliament. The Government of India Act makes no change in this status of the States. The States remain foreign territories inspite of the Federation, and as they were before Federation. This is the most extraordinary state about the Indian Federation, namely that the different units are as between themselves foreign states. As the Act does not make the States Dominions of the King, Parliament gets no right to legislate about them. Parliament derives its authority over the States from the Instrument of Accession. That being so, the authority of Parliament cannot but be limited to what is transferred to it by the States through their instruments. To use the language of the Privy Council itself, as the stream can rise no higher than its source, similarly, Parliament cannot have powers over the States greater than those given to them by the Instrument of Accession. This explains why the authority of Parliament to amend the Constitution is limited.

The analysis made so far shows that the authority of Parliament 10 change is limited by the Instrument of Accession and that for any excess of authority, there must be prior consent given by the Princes. As a legal effect of the provisions of the Act it may not be shocking. But consider the fact that the provisions in regard to which Parliament has no power to change include those that relate to the transposition of such subjects as Defence and External affairs from the category of Reserved to that of the Transferred and that it will not have that power unless the Princes consent expressly to confer that authority on Parliament and permit it to do so. You will be in a position to realize how grave are going to be the consequences of this Federation. The establishment of the Federation means that the mastery has gone from the hands of Parliament into the hands of Princes. This Federation makes the Princes the arbiters of destiny. Without their consent India cannot politically advance.

Other consequences of this Federation might also be noted. I will just refer to one. It is that this federation, if accepted will weaken the position of British Indians in their struggle for change. Hitherto, in the struggle between the Indian people and the British Parliament the latter was always the weaker party. It had nothing to oppose the right of the people to change except its will. After the Federation the position is bound to be reversed. The Indian people would be in a weaker position and Parliament

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would be in a stronger position. After the Federation, Parliament would be in a position to say that it is willing to grant the demand for change but that its authority to change is limited and that before making any demand for change. Indians should obtain the consent of the Princes. There is nothing to prevent Parliament from taking this stand.

What reply would Indians be able to give if they once accept the Federation and thereby admit the implications underlying it ?

VIII

THE FATALITY OF FEDERATION

What shall we do with the Indian States ? That is a question that is often asked. Some people with Republican faith in them desire their total abolition. Those who do not care for forms of Government will reject this view. But even they must abide by the consideration that what works best is best. Can the Indian States be said to work best ? I do not know that there is anybody, who will be prepared to give an affirmative answer, at any rate an affirmative answer which will apply to all States. The internal administration of the States is a bye-word for mismanagement and mal-administration. Very few States will escape this charge.

The people are always asking as to why there should be this mismanagement and maladministration in the States. The usual answer is that it is the consequence of Personal Rule. Everywhere the demand made is that Personal Rule should be replaced by Popular Government. I have grave doubts about the efficacy of this demand. I do not think that in a large majority of cases the substitution of Popular Government will be any cure for the ills of the State subjects. For, I am sure that the evils arise as much from the misrule of the Ruler as they arise from want of resources. Few have any idea as to how scanty are the resources of the Indian States.

Let me give you a few facts. Out of the total of 627 States there are only ten with an annual revenue above 1 crore. Of these ten, five have just about a crore, three have between 2 and 2¼ crores. One has just about 3¼ crores and only one has a revenue just about 8 crores. There are nine with a revenue ranging between 1 crore and 50 lakhs. About twelve have a revenue ranging between 50 to 25 lakhs. Thirty have a revenue varying between 25 lakhs and 10 lakhs. The rest of the 566 have an annual revenue which is less than 10 lakhs. This does not, however, give an idea of how small are some of the States which fall below 10 lakhs. A few illustrations may therefore be given. Among these 565 States there is one with a revenue of Rs. 500 and a population of 206 souls. Another with a revenue of Rs. 165 and a population of 125 : another with a revenue of Rs. 136 and a population of 239, another with a revenue of 128 and a population of 147 and another

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with a revenue of Rs. 80 and a population of 27. Each one of these is an Autonomous State, even the one with a revenue of Rs. 80 and a population of 27 !

The Autonomy of these States means that each one must take upon itself the responsibility to supply to its subjects all the services which relate to matters falling under law and order such as revenue, executive and judicial and all the services which affect public welfare such as education, sanitation, roads etc. We in Bombay with our 12 crores of revenue are finding it difficult to maintain a civilized standard of administration. Other Provinces with equally large revenue are finding the same difficulty. How then can these small tiny states with a revenue of few hundreds and a population of few thousands cater to any of the wants which a civilized man must have his Government satisfy in full measure ? With the best of motives and given an ideal Prince the task is hopeless.

The only way out is to reorganize the whole area occupied by the Indian States. The proper solution would be to fix an area of a certain size and of certain revenue and to constitute it into a New Province and to pension off the rulers now holding any territory in that area. Only such States should be retained in whose case by measure of area and revenue it can be said that they by reason of their resources are in a position to provide a decent standard of administration. Those which cannot satisfy the test must go. There is no other way. This is not merely what might be done. I say, to do this is our duty and a sacred duty.

I know some will think of the hereditary right of the Prince to rule over his territory. But I ask, what is more important, the right of the Prince or the welfare of the people ? I am sure that even the best friends of the States will not say that the rights of the Prince are more important than the welfare of the people. Which should give way, if the two are in conflict ? There again, I am sure that even the best friends of the States will not say that the welfare of the people should be sacrificed for the sake of maintaining the rights of the Prince.

The question of the reorganization of the Indian States is not a political question. As I look at it, is a purely administrative question. It is also an inevitable question. Because, not to tackle it is to condemn the people of the States—and there are millions of them—perpetually to a life of misery and security. The way I suggest is not a revolutionary way. To pension off a Prince and to annex his territory is a legal way and can fall under the principles with which we are familiar under the Land Acquisition Act which allows private rights and properties to be acquired for public purposes.

Unfortunately, the question of the Indian States has not been tackled from this point of view so far. The question that I want to place before

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you is, and it is a very important question, "Will it be open to you to tackle this question after the Federation is established ?" I say no. You will perhaps ask why. How does this conclusion follow ?

I have already pointed out that with regard to the entry into the Federation, the Provinces and the States stand on a different footing. The Provinces have no choice. They must agree to be the units of the Federation. The States have a choice. They may join the Federation or they may refuse to join the Federation. That is so from the standpoint of the Provinces and from the standpoint of the States. What is the position from the standpoint of the Federation ? Has the Federation any choice in the matter of the admission of the States ? Can the Federation refuse to admit a State into the Federation ? The answer is no. The Federation has no right to refuse. The State has a right to enter the Federation. But the Federation has no right to refuse admission at any rate for the first 20 years. That is the position. Now what does the admission of a State into the Federation mean ? In my view the admission of a State into the Federation means recognition of the sovereign status of the State. Recognition of its sovereign status means the recognition of its indestructibility which means its right to the integrity of its territory and to guaranteeing of its powers of internal administration. This would apply even to the State with a population of 27 and revenue of Rs. 80. These being the implications of the admission of a State in the Federation, I am perfectly justified in suggesting that the territorial reorganisation of the Indian States will not be possible after the establishment of the Federation and the people of the Indian States will be forever doomed to misrule and mal-administration.

Can British India do anything in the matter now ? I think British India is not in a position to do anything in the matter. If British India could have secured Responsible Government for itself, it might have been in a position to dictate which State should be admitted and on what terms. It would have been in a position to make the reorganization of the States territory into tolerably big units as a condition precedent for their entry into the Federation. Unfortunately British India has no Responsible Government. Indeed its right to Responsible Government at the Centre is denied and is made dependent upon the entry of the States. "No States, no responsibility" has now become the fate of British India. That being the position of British India, British India is not in a position to make terms with the States as she would have been able to do if she had Responsible Government. That is why I have said and that is why I have always maintained that British Indians should first ask for a Federation and Responsibility confined to British India. Once that is obtained, the path for an All India Federation on the basis of freedom and good government all round will become possible. That possibility will be gone if this Federation comes into being.

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I have already drawn your attention to some of the deformities of the Federal Scheme. What I have now drawn attention to is more than a deformity. It is a fatality of the Federation. So far as the States' people are concerned, it is a decree of fate. It is something which they will never be able to escape once it is executed.

The State's problem is one which, I believe could be solved by the Paramount Power along the lines I have suggested or along any other line consistently with the welfare of the people, if it wishes to do so. Paramountcy is like the Trimurti of Hindu Theology. It is Brahma because it has created the States. It is Vishnu because it preserves them. It is Shiva because it can destroy them. Paramountcy has played all these parts in different times in relation to the States. At one time, it played the part of Shiva. It has now been playing the part of Vishnu. To play the part of Vishnu with regard to the States is from the point of view of the good of the people the crudest act. Should British India be a party to it ? It is for you to consider.

IX

FEDERATION WITHOUT THE STATES

There is another point of view from which the case for Federation is argued. I must now proceed to examine that argument.

It is argued that the constitution creates Autonomous Provinces. The Autonomy of the Provinces means independence and therefore disruption of the Unity of British India. This must be counteracted. Some binding force must be provided so that the Provinces may be held together and unity and uniformity built up for the last hundred years as a result of British administration is preserved intact in fundamentals if not in details.

The argument is quite sound, if it only means that the creation of Autonomous Provinces makes the creation of a Central Government a necessity. This proposition I am sure will command universal assent. In all the Round Table Conferences the late Sir Mahomad Iqbal was the only delegate who was against the establishment of a Central Government. Every other delegate irrespective of caste or creed differed from him. They asserted that with the creation of Autonomous Provinces the establishment of a Central Government was a categorial imperative and that without it autonomy would result in anarchy.

But the argument goes beyond its legitimate scope. It seeks to justify the establishment of a Central Government for All India. The argument which can justify the establishment of a Central Government for British India is used to justify a Central Government for the whole of India. And the question that you have to consider is whether the creation of Autonomous Provinces in British India can justify a Central Government for the whole

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of India including the Indian States. My contention is that the creation of Autonomous Provinces does not require the creation of a Central Government for the whole of India.

The establishment of Autonomous Provinces in British India will call for two things; (1) That there shall be a Central Government for British India and (2) that the form of that Central Government must be federal and not unitary. The essence of Federation lies in the division or allocation of Legislative and Executive Powers between the Central Government and the Units by law. The powers of the Units and the Centre are defined and demarcated and the one is not entitled to invade the domain of the other. Autonomy of the Provinces means that their powers are defined and vested in them. To make Provincial Autonomy real the Powers of the Central Government must also be limited, otherwise it would be in a position to invade the domain of the Provinces. To put it simply, autonomy means definition and delimitation of Powers by law and wherever there is definition and delimitation of powers between two Political Bodies there is and there must be Federation. You will now understand why I said that all that Provincial Autonomy demands is that the Central Government for British India shall be Federal in form. It does not justify all India Federation. Why is it necessary to bring in the States still remains to be answered and those who plead for this All-India Federation as distinct from British India Federation must answer this question.

As I said all that is necessary is that Central Government for British India shall be Federal in form and this fact has been recognized by the Constitution.

Many seemed to have failed to notice that the Government of India Act, 1935 establishes two distinct Federations. One is a federation which is a federation of the Provinces of British India another which is a Federation of British Indian Provinces and the Indian States. It is surprising that so many should have missed so important a fact. That the Government of India Act establishes two federations is beyond dispute. To those who have any doubt they should read Parts III and XIII together and Part II and Part III together. Part II and Part III reveal that there is an All-India Federation and lay down the constitution of that Federation. Part III and Part XIII reveal that there is a Federation of British India Provinces apart from the States and lay down the Constitution of that Federation. That Part XIII relates to provisions which are called transitional does not make the British India Scheme any the less a Federation, because the law is law whether it is for a limited period or for all times.

That the Act establishes a Federation for British India Provinces and also an All-India Federation cannot be denied. What is the difference between these two Federations ? Is there any difference in the Legislative

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Powers of the Federation ? The answer is no. The Federal Legislative List remains the same whether the Federation that is in operation is British India Federation or the All-India Federation. The Concurrent list also remains the same whether the Federation in operation is one or the other.

Is there any difference in Financial Powers ? The answer again is no.

The Powers of taxation remain the same whether it is an All-India Federation or British India Federation.

Is there any change in the Judicial organization of the Federation ? There is none. Federal Court is as much necessary for the All-India Federation as for British India Federation.

How do these two Federations differ ? The two differ in one respect only. To find out this difference you should compare section 313 with section 8. The comparison will show that if the Federation is a British India Federation the Executive Authority of the Federation will be the Governor-General in Council and if the federation is an All-India Federation the Executive Authority in transferred matters to be the Governor-General acting on the advice of Ministers responsible to the Legislature. In other words while there is British India Federation only there is no responsibility at the Centre so long as there is no All-India Federation.

This means that the entry of the States is a condition precedent for the grant of responsibility to British India. You will therefore ask, why is the entry of the States so essential ?

All Federations have come into existence as a result of some danger from outside affecting the safety and integrity of the Units. The States of North America federated because of the fear of subjugation of the States by British Imperialism. The Provinces of Canada federated because of the danger of invasion or absorption by the United States. The Australian Colonies federated because of the danger of invasion by Japan. It is obvious that the Indian Federation is not the result of any such circumstance. There is no new invader on the border of India waiting to pounce upon both British India and the Indian States. Nor is this Federation necessary for bringing about peace between British India and the Indian States. It matters not that British India is under the sovereignty of the Crown and the Indian States are under the suzerainty of the Crown. So far as foreign relations are concerned, and they include peace and war, the two are subordinate to one and the same authority namely the crown. That is the reason why the two have been at peace. That is the reason why they will not be and cannot be at war. Prevention of external aggression or the maintenance of internal peace cannot be the motive for this All India Federation. What then can be the motive of this Federation ? Why are the States invited to enter into this Federation ? Why is their entry made a condition precedent for responsibility at the Centre ? To put it bluntly,

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the motive is to use the Princes to support imperial interests and to curb the rising tide of democracy in British India. I should like to have another explanation, if there is any. I see none. That the Princes are wanted in the Federation to serve ends of the British Imperialism is beyond question. The Secretary of State for India speaking in Parliament during the course of the debate on the Government of India Bill admitted that "we should all welcome the entry into the Central Government of India of a great force of stability and imperial feeling represented by the Princes". While the suppression of democracy in British India may not be the motive I am sure that that will be the consequence of the entry of the Princes in the Federation.

What a price has been paid for the entry of the Federation ! I do not wish to repeat what I have said. If you will re-call what I have said regarding the discrimination which has been made in favour of the Princes in the matter of representation, taxation, administration, legislation etc., you will know what benefits have been conferred, what rights have been surrendered and what immunities have been granted by British India to induce the Princes to come into the Federation. And what has British India got in return ?

If the Federal Constitution had provided full responsible Government, there would have been some compensation to British India for the price it has paid to the Princes for their joining the Federation. But British India has not got any responsibility worth the name. What British India has got is a system of responsibility halved in part and mutilated in substance by conditions and restraints. Not only British India has not been able to secure responsibility at the Centre commensurate with the sacrifices it has made for making the Federation easy for the Princes, but it has lost its claim for Dominion Status in its own right and independently of the Princes. Many people do not know what British India has lost and stands to lose in this business of an All India Federation. The new Constitution is the result of the struggle of the people of British India. It is the agitation and the sufferings of the people of British India which was the compelling force behind this constitution. What was the right which the people of British India were claiming for themselves ? As I have said, their first claim was good government in British India. Next they claimed self-government, that is responsible government for British India. Lastly, they claimed Dominion Status for British India. Each one of these claims have been accepted by the British Parliament. In 1917 the British Parliament accepted the goal of Responsible Government. In 1929 the English Nation accepted the goal of Dominion Status, Now it must be emphasised that each time the claim was made, it was made in the name of the people of British India. Each time it was accepted in relation to the people of British India. What is going to be the position of British India as a result of the Federation ?

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The position of British India is that they can never get any responsibility at the Centre unless the Princes come into the Scheme. That means that British India has lost its right to claim Responsible Government for itself in its own name and independently of the Princes. This right was a vested right because it was the result of a claim made and accepted. That right has been lost because British India is made dependent for the realization of its destiny upon the wishes of the States. Of the two parts of this Federation. British India is the progressive part and the States form the unprogressive part. That the progressive part should be tied up to the chariot of the unprogressive and its path and destiny should be made dependent upon the unprogressive part constitutes the most tragic side of this Federation.

For this tragedy you have to blame your own national leaders. Fortunately for me I am not one of your national leaders. The utmost rank to which I have risen is that of a leader of the Untouchables. I find even that rank has been denied to me. Thakkar Bapa, the left hand man of Mahatma Gandhi. I call him left hand man only because Vallabhbhai Patel is the right hand man—very recently said that I was only the leader of the Mahars. He would not even allow me the leadership of the Untouchables of the Bombay Presidency. Whether what Thakkar Bapa said was said by him out of malice or out of love of truth does not worry me. For politics is not my first love nor is national leaderhip the goal of my life. On the other hand, when I see what disasters your national leaders have brought upon this country I feel relieved to know that I am not included in that august crowd. Believe me when I say that some of your national leaders were thoroughly unprepared for the job of constitution-making. They went to the Round Table Conference without any comparative study of constitutions and could propound no solutions to problems with which they were presented. Others who were undoubtedly competent to tackle the problem were like little children so charged with the ideal of Federation that they never cared to see whether what they were shaping was a real federation or a fraud in the name of Federation. This tragedy is entirely due to wrong leadership. I do not know if the steps taken can be retraced and whether the lost ground can be regained. But I think it is a right thing that the people of British India should know what they have lost. They have a federation of their own and they have right to demand responsibility for their federation.

There is another reason why it would be desirable to have a Federation of British India only. A Federation of British India and of the Indian States cannot work harmoniously. There are two elements which I am sure will produce a conflict between British India and the Indian States. The first element arises out of the difference in the position of the representatives of British India and those of the Indian States. The representatives of British India will be free men. The representatives of the Indian States

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will be bondmen of the Political Department. The sources of mandate of those two sets of representatives in the Federal Legislature will be different. The British India representatives will be engaged in extending the authority of the Ministers. The States representatives are sure to act and will be made to act so as to lend support to the authority of the Governor-General as against the Ministers. This conflict is inevitable and it is sure to embitter the feelings of British India towards the Indian States. This was precisely what happened in the last regime in the Provinces. The feelings of the elected members towards the nominated members in the old Provincial Councils were certainly unfriendly. This experience I am sure will be repeated in the Federal Legislature. That it should be so is very natural when one section of the House feels that the other section has been brought in to thwart its wishes and is acting as the tool of some power outside the control of the Legislature. This is one element of disharmony. The other element of disharmony is the disparity in the position of British Indian States under the Federation. Equality before law is a precious thing. But not all people value it for the same reason. Most cherish it an ideal. Few realize why it is crucial. Equality before the law compels men to make common cause with all others similarly affected. Whereas if there is no equality, if some are favoured and others are burdened, those specially favoured not only refuse to join those who are burdened in the struggle for equality but actually take sides against them. A Dictator might, as the kings did in the olden times, pull out one by one the teeth of a few without necessarily exciting the resentment of the other people. On the contrary, the others will join in the raid. But suppose a law was made that all must contribute as much money as the dictators ask for under penalty of their teeth being drawn out all would rise in opposition. There is no equality between British India and the Indian States under the Federation. Indian States enjoy many benefits and many exemptions which are denied to British India. This is particularly so in the matter of taxation. There is bound to be great acrimony between the representatives of British India and those of the Indian States as to who should bear the load of taxation first. Patriotism vanishes when you touch a man's pocket and I am sure that the States representatives will prefer their own financial interest to the necessities of a common front to make the executive responsible to the Legislature.

What is the use of housing British India and the Indian States under one edifice if the result is to make them quarrel with each other ?

There is a complete dissimilarity between the forms of Government prevalent in British India and the Indian States and the principles underlying the two. These dissimilarities need not produce any antagonism between the Indian States and British India if the two continue to evolve in their separate spheres. So long as the form of Government in the Indian States does not become a factor in the decision of affairs which affects British India, British

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India can tolerate those forms of Government however antiquated they may be. But the Federation makes them a factor and a powerful factor and British India cannot remain indifferent to them. Indeed the forging of the Federation will compel British India to launch a compaign in sheer self-interest for revolutionising the forms of Government prevalent in the Indian States.

This will be the inevitable result of this Federation. Is this a consummation which the States devoutly wish for ? This is a question they will have to consider.

Does British India welcome this prospect ? Speaking for myself I will not. It would be impossible to wage war on so vast a front. The States are too numerous to allow concentrated attack. The States being a part of the structure, you cannot attack them and justify your attack as a Constitutional Act. Secondly, why put yourself in this difficulty ? Sometimes it turns out that a man thinks that he is buying property when as a matter of fact he is buying litigation. For British India to accept this Federation is like buying trouble. Thirdly, this Constitution is a settlement from which Dominion Status is most rigidly excluded not only for the present but also for the future as well.

Looked at from any point of view, the wisest course seems to me that leaving the States where they are, British India should proceed on its own evolution and Federation for itself.

X

FEDERATION FROM DIFFERENT POINTS OF VIEW

Different people are looking at this Federation from different points of view. There is the point of view of the Princes. There is the point of view of the Hindus and the Muslims and the Congress. There is also the point of view of the Merchant and the Trader. The point of view of each one of these is of course the result of their particular interests.

What is the interest of the Princes in this Federation? To understand the motives of the Princes you must go back to the Butler Committee. The Princes had been complaining of the encroachment of the Political Department of the Government of India upon their treaty rights under the Doctrine of Paramountcy. The Princes were insisting that the Political Department had no greater right against the States except those that were given by the treaties subsisting between them and the British Government. The Political Department on the other hand claimed that in addition to the rights referable to the treaties, the Crown had also rights which were referable to political usages and customs. To adjudicate upon this dispute, the Secretary of State agreed to appoint the Butler Committee. The Princes had hoped that the Butler Committee would accept their contentions and limit the scope of

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Paramountcy to the rights referable to the treaties. Unfortunately for the Princes they were disappointed, because the Butler Committee reported that the Paramountcy was paramount and that there could be no definition or delimitation of it. This decision of the Butler Committee meant a complete subordination of the Princes to the Political Department of the Government of India and the Princes were in search of an escape from this unfortunate position in which they were placed and they found, and quite rightly, that the only solution which can enable them to esape the tyranny of the Political Department was the Federation; because to the extent to which the Federal authority prevailed, the authority of the Political Department would vanish and as the Federal authority could only be exercised by a Federal Legislature and a Federal Executive and as they would have sufficient voice in the Federal Legislature and the Federal Executive they thought of federation. The federal solution of their problem offered two advantages to the Princes. The first was that it would secure to the States internal autonomy which they were very anxious to have, for it is of the essence of federating units to remain in their own hands all powers save those which they themselves have willingly delegated to a common centre and over which they themselves possess a share in the control. The second advantage of the Federation was that Paramountcy would disappear to the extent of the Federal authority. The motive of the Princes, therefore, was selfish and their primary aim was to get rid as much as possible of the authority of the Political Department of the Government of India. This was one of the primary interests of the Princes. The Princes had another interests to safeguard. That was to preserve their powers of civil and military government as much as possible. They wanted to make the Federation as thin as possible so that it might not impinge upon them very hard. The interest of the Princes is two-fold. They wanted to escape Paramountcy. Secondly, they did not want to subject themselves too much to the authority of the Federation. In looking at the Federation, the Princes keep two questions before them. How far will this Federation enable them to escape the tyranny of Paramountcy ? Secondly, how far does this scheme of Federation take away their sovereignty and their powers of internal government ? They want to draw more under the former and give less under the latter.

The Muslims had an interest which not only coloured their whole vision but made it so limited that they did not care to look at anything else. That interest was their interest as a minority. They knew only one means of protecting themselves against the Hindu majority. That was to ask for reservation of seats with separate electorates and weightage in representation. In 1930 they discovered that there was another and a more efficacious method of protecting the Muslim minorities. That was to carve out new Provinces in which Muslims would be in a majority and Hindus in a minority as a counterblast to Provinces with Hindus as a majority and Muslims as

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a minority. They hit upon this system because they felt such as a system of balance of Provinces would permit the Muslims in the Muslim majority Provinces to hold the Hindu minorities in their Provinces as hostage for the good behaviour of the Hindu Majorities in the Provinces in which the Muslims were in minority. The creation of Muslim majority Provinces and to make them strong and powerful was their dominant interest. To accomplish this they demanded the separation of Sindh and the grant of responsible government to the North West Frontier Provinces so that the Muslims could have a command of four Provinces. To make the Provinces strong they insisted on making the Centre weak. As a means to this end the Muslims demanded that residuary powers should be given to the Provinces and the Hindu representation in the Centre should be reduced by giving the Muslims not only 1/3 of seats from the total fixed for British India but also 1/3 from the total assigned to the Princes.

The Hindus as represented by the Hindu Mahasabha were concerned with only one thing. How to meet what they called the menace of the Musalmans ? The Hindu Mahasabha felt that the accession of the Princes was an accretion to the Hindu strength. Everything else was to them of no consequence. Its point of view was Federation at any cost.

The next class whose point of view is worthy of consideration is the Indian Commercial Community. The commercial community is no doubt a small community in a vast country like India, but there can be no doubt about it that the point of view of this community is really more decisive than the point of view of any other community. This community has been behind the Congress. It is this community which has supplied the Congress the sinews of war and it knows that having paid the piper it can call for the tune. The commercial community is primarily interested in what is called commercial discrimination and the lowering of the exchange Ratio. It was a very narrow and limited point of view. The Indian Commercial Community is out to displace Europeans from Trade and Commerce and take their place. This it claims to do in the name of nationalism. It wants the right to lower the exchange rate and make profit in its foreign trade. This also it claims to do in the name of nationalism. Beyond getting profits to themselves the Merchants and Traders have no other consideration.

What shall I say about the Congress? What was its point of view? I am sure I am not exaggerating or misrepresenting facts when I say that the Congress point of view at the Round Table Conference was that the Congress was the only party in India and that no body else counted and that the British should settle with the Congress only. This was the burden of Mr. Gandhi's song at the Round Table Conference, He was so busy in establishing his own claim to recognition by the British as the dictator of India that he forgot altogether that the important question was not, with

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whom the settlement should be made but what were to be the terms of that settlement. As to the terms of the settlement, Mr. Gandhi was quite unequal to the task. When he went to London he had forgotten that he would have before him not those who go to him to obtain his advice and return with his blessings but persons who would treat him as a lawyer treats a witness in the box. Mr. Gandhi also forgot that he was going to a political conference. He went there as though he was going to a Vaishnava Shrine singing the Narsi Mehta's Songs. When I think of the whole affair I am wondering if any nation had ever sent a representative to negotiate the terms of a national settlement who was more unfit than Mr. Gandhi. How unfit Mr. Gandhi was to negotiate a settlement becomes evident when one realizes that this Ambassador of India was ready to return to India with only Provincial Autonomy when as a matter of fact he was sent to negotiate on the basis of Independence. No man has brought greater disasters to the, interests of India than did Mr. Gandhi at the Round Table Conference. Less one speaks of him the better.

How far each of these interests feel satisfied with the Federal Scheme such as it is, it is not for me to say. The question one may however ask is, are these the only points of view that must be taken into consideration in deciding as to what we shall do with this Federation ? I protest that there are other points of view besides those mentioned above which-must receive attention. There is the point of view of the Free man. There is also the point of view of the Poor man. What have they to say of Federation ? The Federation does not seem to take any account of them. Yet they are the people who are most deeply concerned. Can the free man hope that the Federal Constitution will not be a menace to his freedom? Can the poor man feel that the constitution will enable him to have old values revalued, to have vested rights devested? I have no doubt that this Federation if it comes into being will be a standing menace to the free man and an obstacle in the way of the poor man. What freedom can there be when you are made subject to the autocracy of the Princes? What economic betterment can there be when you get Second Chambers with vested rights entrenched in Ml and when legislation affecting property is subject to sanction by the Government both before introducing and after it has passed ?

XI

CONCLUSION

I have perhaps detained you longer than I should have done. You will allow that it is not altogether my fault. The vastness of the subject is one reason for the length of this address.

I must, however, confess that there is also another reason which has persuaded me not to cut too short. We are standing today at the point of

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time where the old age ends and the new begins. The old age was the age of Ranade, Agarkar, Tilak, Gokhale, Wachha, Sic Pherozeshah Mehta, Surendranath Bannerjee. The new age is the age of Mr. Gandhi and this generation is said to be Gandhi generation. As one who knows something of the old age and also something of the new I see some very definite marks of difference between the two. The type of leadership has undergone a profound change. In the age of Ranade the leaders struggled to modernize India. In the age of Gandhi the leaders are making her a living specimen of antiquity. In the age of Ranade leaders depended upon experience as a corrective method of their thoughts and their deeds. The leaders of the present age depend upon their inner voice as their guide. Not only is there a difference in their mental make up there is a difference even in their view point regarding external appearance. The leaders of the old age took care to be well clad while the leaders of the present age take pride in being half clad. The leaders of the Gandhi age are of course aware of these differences. But far from blushing for their views and their appearance they claim that the India of Gandhi is superior to India of Ranade. They say that the age of Mr. Gandhi is an agitated and an expectant age, which the age of Mr. Ranade was not.

Those who have lived both in the age of Ranade and the age of Gandhi will admit that there is this difference between the two. At the same time they will be able to insist that if the India of Ranade was less agitated it was more honest and that if it was less expectant it was more enlightened. The age of Ranade was an age in which men and women did engage themselves seriously in studying and examining the facts of their life, and what is more important is that in the face of the opposition of the orthodox mass they tried to mould their lives and their character in accordance with the light they found as a result of their research. In the age of Ranade there was not the same divorce between a politician and a student which one sees in the Gandhi age. In the age of Ranade a politician, who was not a student, was treated as an intolerable nuisance, if not a danger. In the age of Mr. Gandhi learning, if it is not despised, is certainly not deemed to be a necessary qualification of a politician.

To my mind there is no doubt that this Gandhi age is the dark age of India. It is an age in which people instead of looking for their ideals in the future are returning to antiquity. It is an age in which people have ceased to think for themselves and as they have ceased to think they have ceased to read and examine the facts of their lives. The fate of an ignorant democracy which refuses to follow the way shown by learning and experience and chooses to grope in the dark paths of the mystics and the megalomaniacs is a sad thing to contemplate. Such an age I thought needed something more than a mere descriptive sketch of the Federal Scheme, It needed a treatment which was complete though not exhaustive

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and pointed without being dogmatic in order to make it alive to the dangers arising from the inauguration of the Federal Scheme. This is the task I had set before myself in preparing this address. Whether I have failed or succeeded, it is for you to say. If this address has length which is not compensated by depth, all I can say is that I have tried to do my duty according to my lights.

I am not opposed to a Federal Form of Government. I confess I have a partiality for a Unitary form of Government. I think India needs it. But I also realize that a Federal Form of Government is inevitable if there is to be Provincial Autonomy, But I am in dead horror the Federal Scheme contained in the Government of India Act. I think I have justified my antipathy by giving adequate reasons, I want all to examine them and come to their owe conclusions. Let us however realize that the case of Provincial Autonomy is very different from that of the Federal Scheme. To those who think that the Federation should become acceptable if the Governor-General gave an assurance along the same lines as was supposed to be done by the Governors that he will not exercise his powers under his special responsibilities I want to say two things. First I am sure the Governor-General cannot give such an assurance because he is exercising these powers not merely in the interest of the Crown but also in the interest of the States. Secondly, even if he did, that cannot alter the nature of the Federal Scheme. To those who think that a change in the system of State representation from nomination to election will make the Federation less objectionable, I want to say that they are treating a matter of detail as though it was a matter of fundamental. Let us note what is fundamental and what is not. Let there be no mistake, let there be no fooling as to this. We have had enough of both. The real question is the extension and the growth of responsibility. Is that possible ? That is the crux. Let us also realize that there is no use hugging to Provincial Autonomy and leaving responsibility in the Centre hanging in the air. I am convinced that without real responsibility at the Centre, Provincial Autonomy is an empty shell.

What we should do to force our point of view, this is no place to discuss. It is enough if I have succeeded in giving you an adequate idea of what are the dangers of this Federal Scheme.

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COMMUNAL DEADLOCK AND A WAY TO SOLVE IT

Address delivered at the Session
of
the All India Scheduled Castes Federation
held in
Bombay on May 6,1945

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COMMUNAL DEADLOCK AND A WAY TO SOLVE IT

Mr. President,

I am indeed very grateful for your kind invitation to address the Annual Session of the All-India Scheduled Castes Federation. I am happy to see this great gathering of the Scheduled Castes. Having regard to the very short time which has elapsed since its establishment, the growth of the Federation appears by all evidence to be phenomenal. That the Scheduled Castes all over India have rallied round the Federation and are determined to make the Federation their only representative organization is beyond question. The growth of the Federation within so short a time will not be fully appreciated unless the tremendous difficulties in the way of our organization have been fully appreciated. There are agents of other political organizations which decoy our people by false blandishments, by false promises and by false propaganda. There is the ignorance of our own people, who do not know the critical nature of the times we are living in and who do not know the value of organization for achieving our political objects. There is a lamentable lack of resources at our command. We have no money. We have no press. The cruelest of tyrannies and oppressions, to which our people are subjected, day in and day out all over India, are never reported by the Press. Even our views on social and political questions are systematically suppressed by an organized conspiracy on the part of the Press. We have no funds to maintain a machinery, to render help to our people and to educate, agitate and organize them.

These are the odds we have to contend against. That the Federation, notwithstanding these difficulties, should have grown to this dimension is entirely due to our men who have been ceaselessly and unselfishly devoting themselves to the building up of this organization. I am sure you would like me to pay Mr. Ganpat Mahadev Jadhav, the President of the Bombay City Scheduled Castes Federation, our tribute for the work he has done. As everyone knows, he possesses remarkable degree of organizing capacity and I am sure the success of this Session is due to a great extent to his efforts and to those who have been his co-workers.

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Ordinarily, at a gathering such as this I would have spoken—and our people would expect me to speak—on any one of the social and political problems of the Scheduled Castes. But I do not propose to engage myself in a discourse on so sectarian a subject. Instead, I propose to speak on a topic, which is general and has a wider appeal, namely the shape and form of the future Constitution of India.

It may be as well for me to explain the reasons for my decision. For the moment, the responsibility for leading the movement of the Scheduled Castes and facing its day-to-day problems does not lie on my shoulders. On account of my office I am out of it and I have no desire to take it up. That is one reason why I do not propose to take up a sectarian subject which is related only to the Scheduled Castes.

The Scheduled Castes are often charged as being selfish, interested only in themselves ; that they have no constructive suggestions to make for the solution of the country's political problem. The charge is entirely untrue ; and if it is true, the Untouchables will not be the only ones who will be found guilty of it. Most people in India do not make constructive suggestions. The reason is not that there are not people capable of constructive thought. The reason why all constructive thought remains bottled up is because a long and continuous propaganda has inculcated upon the minds of the generality of the people that nothing should be respected and nothing should be accepted unless it emanates from the Congress. It is this which has killed all constructive thought in this country. At the same time, I believe this charge against the Scheduled Castes should be repelled in a positive way by showing that the Scheduled Castes are capable of putting forth constructive proposals for the general political advancement of the country which the country, if it cares to, may consider. This is the second reason why I have on this occasion chosen this subject of general interest.

II

RESPONSIBILITY FOR FRAMING THE CONSTITUTION

Before I set out in concrete terms the constitutional proposals I have in mind, I wish to raise two preliminary issues. First is : Who should frame a Constitution for India ? It is necessary to raise this question because there are quite a lot of people in India who are hoping, if not asking, the British Government to resolve the deadlock and to frame a Constitution for India. I think there is a gross fallacy in such a view which needs to be exposed. A Constitution, framed by the British Government and imposed upon Indians, sufficed in the past. But if the nature of the future Constitution Indians are clamouring for, is borne in mind it will be clear that an imposed Constitution will not do.

The difference between the past Constitutions and the future Constitution of India is fundamental, and those, who still rely on the British for framing

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a Constitution for India, do not seem to have realized this difference. The difference lies in this that the past Constitutions contained a breakdown clause. But the future Constitution of India cannot contain such a breakdown clause. People in India decry the breakdown clause—by now the notorious section 93 of the Government of India Act, 1935. That is because they do not know the why and the how of its place in the Act. Its importance will become apparent if two important considerations governing the political life of a community are borne in mind. First of these considerations is that Law and Order is the medicine of the body politic, and when the body politic goes sick this medicine must be administered. Indeed, so important is this consideration that failure to administer it must be deemed to be a crime against society and civilization. The second consideration is that though it is true that no government has a vested right to govern, it is equally true that there must always be a government to govern—which I mean maintain Law and Order—until it is displaced by a better government. The breakdown clause serves these two purposes. As such, it is of the highest value for the peace and tranquillity of the people. It is the one and only means which can save the country from anarchy. For, when Constitutional Government fails, the breakdown clause has at least the merit of maintaining Government.

In the past this distinction between Constitutional Government and Government with the provision for Government stepping in when Constitutional Government failed, was a feasible proposition. It was feasible because while the British Government gave Indians the right to a Constitutional Government, it kept to itself the right to govern, should Constitutional Government fail. In the future Constitution of India, it would not be possible to maintain this distinction. It would not be possible for the British Government to give the Indians the right to Constitutional Government and also to keep to itself the right to govern in case there was a breakdown in the Constitutional Government. The reason is quite obvious. The past Constitutions of India did not treat India as a Dominion. The future Constitution will proceed on the assumption that India will be a Dominion. The breakdown clause or the possibility of Government stepping in, when Constitutional Government has failed, can be reconciled in the case of a country, which has no Dominion Status. But the two are irreconcilable in the case of a Dominion. In the case of a Dominion or for the matter of that in the case of any free country, there is either a Constitutional Government or a Rebellion.

What does this mean ? It means that it is impossible to frame a Constitution for an Indian Dominion with a possibility of a breakdown. To put the same thing in a different language the Constitution must be so made that it will not only command the obedience but also the respect of all ; and all or if not all, at any rate, all important elements in the national life of India shall be prepared to uphold it and to give it their support. This can happen only

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if the Constitution is framed by Indians for Indians and with the voluntary consent of Indians. If the Constitution is imposed by the British Government and is not accepted by one section and is opposed by another, there will arise in the country an element, hostile to the Constitution, and which will devote its energies not to working the Constitution but to breaking it. The anti-Constitution party may look upon destroying the Constitution as its only duty and may engage itself in "pronouncing" against a party working the Constitution in the real Latin American fashion.

It is useless for the British to frame a Constitution for India which they will not remain to enforce. The same result will ensue if the Constitution is imposed by one powerful section or a combination of such sections on other sections. I am, therefore, firmly of opinion that if Indians want Dominion Status, they cannot escape the responsibility of framing their own Constitution. The position is thus inescapable.

III

CONSTITUENT ASSEMBLY

The second question that I wish to raise is : Should there be a Constituent Assembly, charged with the function of making a Constitution ? Constituent Assembly is on the lips of everybody. The Congress parties in their resolutions, passed before the Congress ministries resigned, demanded that the Constitution for India should be made by a Constituent Assembly composed of Indians. A Constituent Assembly was included in the Cripps proposals. The Sapru Committee has followed suit.

I must state that I am wholly opposed to the proposals of a Constituent Assembly. It is absolutely superfluous. I regard it as a most dangerous project, which may involve this country in a Civil War. In the first place, I do not see why a Constituent Assembly is at all necessary. Indians are not in the same position as the Fathers of the American Constitution were, when they framed the Constitution of the United States. They had to evolve ideas, suitable for the constitution for a free people. They had no constitutional patterns before them to draw upon. This cannot however be the case for Indians. Constitutional ideas and constitutional forms are ready at hand. Again, room for variety is very small. There are not more than two or three constitutional patterns to choose from. Thirdly, there are hardly any big and purely constitutional questions about which there can be said to be much dispute among Indians. It is agreed that the future Indian Constitution should be Federal. It is also more or less settled what subjects should go to the Centre and what to the Provinces. There is no quarrel over the division of Revenues between the Centre and the Provinces, none on Franchise and none on the relation of the Judiciary to the Legislature and the Executive. The only point of dispute, which is outstanding, centres round the question of the residuary powers—whether they should be with the Centre or with the Provinces. But that is hardly a matter worth

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bothering about Indeed, the provision contained in the present Government of India Act could be adopted as the best compromise.

Having regard to this I cannot see why a Constituent Assembly is necessary to incubate a constitution. So much of the Constitution of India has already been written out in the Government of India Act, 1935, that it seems to be an act of supererogation to appoint a Constituent Assembly to do the thing ever again. All that is necessary is to delete those sections of the Government of India Act, 1935, which are inconsistent with Dominion Status.

The only function which could be left to a Constituent Assembly is to find a solution of the Communal Problem. I am quite positive that whatever be the terms of reference of the Constituent Assembly, the Communal Question should not form a part of them. Consider the composition of the Constituent Assembly as suggested by the Sapru Committee. The total membership is fixed at 160. The election is by joint electorates by members of the Provincial Legislative Assemblies under a system of proportional representation and the decision is to be by three-fourths of the members present and voting. Can a minority accept this Constituent Assembly as a safe body, in the impartiality of which it can place implicit confidence ? The answer to this question must depend upon what answers one can give to two other questions : Does it guarantee that the representatives of a minority elected to the Assembly will be its true representatives ? Secondly, does it guarantee that the decision of the Assembly with regard to the claims of any particular minority will not in fact be an imposition on the minority ? On neither of these two questions can I confidently say that a minority need have no cause for fear.

Before taking up these questions, let me point out what differences there are between the Cripps Constituent Assembly and the Sapru Constituent Assembly. They may be stated as follows :

(i) The total number for the Constituent Assembly fixed by the Sapru Committee is 160. Sir Stafford Cripps had not fixed any number. But the provision contained in his proposal that the Constituent Assembly shall consist of ten per cent of the total number of members of the Provincial Legislatures virtually fixed the number to about 158—a difference of only 2.

(ii) The method of election to the Constituent Assembly by the Sapru Committee is by joint electorate under the system of proportional representation. In this there is no difference between the Cripps plan and the Sapru plan for the composition of the Constituent Assembly.

(iii) Under the Cripps plan, there was no communal reservation. The Sapru plan departs from the Cripps plan in this respect, in as much as it reserves seats for particular communities in prescribed

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proportions. This difference is only normal. For, though the Cripps plan did not in terms fix the number, the scheme of proportional representation would have in fact resulted in such reservation. The difference in the quota of representation under the two schemes will be seen from the following table :

Communities and Interests	Quota of seats in the Constituent Assembly	
	Under Cripps'	Under Sapru's
Hindus	77	51
Muslims	50	51
Scheduled Castes	15	20
Sikhs	3	8
Indian Christians	2	7
Anglo-Indians	1	2
Europeans	6	1
Aboriginal Tribes	2	3
Special Interests	....	16
Others	2	1
	158	160

The Sapru Committee has not only fixed the numbers for each Community in the composition of the Constituent Assembly but it has offered the Muslims equality with the Hindus. For this departure the Committee's plea is that in consideration for this offer it has demanded joint electorate as a basis for election to the Constituent Assembly. In this, the Committee must be said to have entirely misunderstood the Cripps proposals. Joint-Electorates were already provided for in the Cripps proposals one clause of which reads—"The members of the Lower Houses of the Provincial Legislatures are to form a single Electoral College". This is simply another way of saying that the election shall be by joint-electorate. It has given something for nothing to one element and thereby put the other Communities in a hazard.

(iv) Under the Cripps proposal the decision of the Assembly was to be by majority of those present and voting, Under the Sapru proposal the decision is to be by a majority of 3/4th of those present and voting.

Now to revert to the two questions. How does the position stands with regard to the first question ? To give one's opinion on it, it is first necessary

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to know the communal distribution of the membership of the Provincial Legislative Assemblies. The following table sums up the position :

Distribution of Seats by Communities in the Provincial Legislative Assemblies*

Communities	General	Women	University	Trade Unions	Com-merce	Land lords	Total
1	2	3	4	5	6	7	8
1. Hindus ..	651	26	7	33	31	22	770
2. Muslims ..	482	10	1	5	6	13	517
3. Scheduled Castes.	151	..	..	..	..	..	151
4. Indian Christians.	20	1	..	..	..	..	21
5. Anglo-Indians ..	11	1	..	..	..	..	12
6. Sikhs ..	34	1	..	..	..	1	36
7. Europeans ..	26	..	..	..	19	1	46
8. Aboriginals ..	24	..	..	..	..	..	24
Total ..	1,399	39	8	38	56	37	1,577

Has the communal reservation made by the Sapru proposal, and which is not to be found in the Cripps proposal, any value ? That depends upon how far one community will be able to influence the election of the members of the other communities ? What are the prospects in this regard ? Let me give another table :

Voting strength in relation to seats

Communities	Voters for Constituent Assembly	Quota of seats in the Constituent Assembly	Number of votes required for electing the quota	(+)Excess of voters over (–)Deficiency of voters below requirement
1. Hindus ..	778	51	561	+ 217
2. Muslims ..	561	51	517	+ 44
3. Scheduled Castes ..	151	20	220	– 69
4. Indian Christians ..	21	7	77	– 56
5. Sikhs ..	36	8	88	– 52
6. Europeans ..	46	1	11	+ 35

From this table the following conclusions emerge :

(i) Taking the total votes to be 1577 and the total number to be elected 160, the quota under the proportional system of representation would roughly come to 10 + 1 = 11.

*The distribution of seats for (1) Universities; (2) Trade Unions, (3) Commerce and (4) Landlords among the communities does not stand for an exact figure. It is based on guess as to how they may be divided among the communities having regard to the relative position.

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(ii) Taking 11 as the quota, the Hindus will have 217, the Muslims 44 and the Europeans 35 votes to spare, while the Scheduled Castes will be short by 69, the Indian Christians by 56 and the Sikhs by 52 votes.

To put the same thing in a different way :

(i) The Hindus with their excess of 217 votes can elect 20 non-Hindus, who would be dependent upon them ; the Muslims with their excess of 44 votes can elect 4 non-Muslims, who would be dependent upon them and the Europeans with their excess of 35 votes would be able to elect 3 non-Europeans, who would be dependent upon them.

(ii) The Scheduled Castes with a shortage of 69 votes will be able to elect only 13 members on the stock of their own votes and for 7 seats they will have to depend upon Hindu, Muslim or European voters. The Indian Christians with a shortage of 56 votes will be able to elect only 2 seats on the stock of their own voters. For the rest of the 5 seats they will have to depend upon Hindu, Muslim or European voters. Similarly the Sikhs with a shortage of 52 will be able to elect only 3 seats on the stock of their own voters. For the rest of the 5 seats they will have to depend upon Hindu, Muslim or European voters

Such is the position. It is evident that the excess representation granted to the smaller minorities is only an eye-wash. Their representation is made so dependent that in no sense can it be called a real representation.

Let me now take the second question. Is the rule of decision adopted by the Sapru Committee for the Constituent Assembly a safe rule ? The Cripps proposal had adopted the rule of bare majority. This was an absurd proposition which no sensible man could have proposed. I know of no case where questions relating to the constitution were left to be decided by a simple majority.

The Cripps proposals sought to excuse the adoption of the majority rule on the ground that there was to be a further provision for safeguarding the interest of the minorities. The provision was to take the form of a Treaty between the British Crown and the Indian Constituent Assembly, before Parliament was to relinquish its sovereignty and make India free. The proposal of a Treaty would have had some sense, if the Treaty was to override the constitution. But the proposal was impossible as under the Cripps scheme India was free to become a Dominion or an Independent country as she pleased. For once India became a Dominion it would *ipso facto* acquire all the legal power necessary to pass an enactment declaring that the Treaty shall not override the constitution. In that case the Treaty would have been no better than a calendar which members of the minorities might, if they wished, hang on the walls of their houses. This

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was exactly what happened to the Irish Treaty. The Irish Treaty continued to override the Irish Constitution so long as Ireland was not a Dominion. But the moment Ireland became a Dominion the over riding power of the Treaty was taken away by a short and simple enactment of the Parliament of the Irish Free State and the British Parliament did nothing, for it knew that Ireland was a Dominion and therefore it could do nothing. How so absurd a provision came to be put forth by so eminent a person to assure the minorities, I am unable to understand.

The provisions contained in the Sapru proposals appear to be an improvement. But are they really an improvement ? I am sure they are not. A three-fourths majority of 160 means that a view to prevail must have the support of 120 members. Before accepting this as an improvement, one has to have some idea as to how this group of 120 is likely to be formed. If the Hindus and the Muslims combine they will together make up 102 and will need only 18 more to make up 120. Most of the special seats and a few more from others may easily fall into the hands of this combine. If this happens the decision of the Assembly will obviously be an imposition upon the Scheduled Castes, the Sikhs, the Indian Christians etc. Similarly, if the Muslims are isolated the decision will not be a joint decision but an imposition upon the Muslims by non-Muslims. These possibilities of permutation and combination for the purpose of check-mating or out-manouvering of some communities by others, I am sorry to say, have not been taken into consideration by the Sapru Committee. There would have been some safety, if the Sapru Committee had provided that the three-fourths majority shall at least include 50 per cent of each element.

Following upon the procedure adopted in the making of the constitution of the United States, the Sapru Committee could have added a further provision for the ratification at any rate of the communal part of the decision of the Assembly by the representatives of the minorities outside the Assembly. None of these provisions finds a place in the plan of the Constituent Assembly as designed by the Sapru Committee. Consequently the Constituent Assembly has become a snare.

There are many other arguments against the plan of a Constituent Assembly. I may mention one, which I confess has influenced me greatly. When I read the history of the Union between Scotland and England, I was shocked at the corruption and bribery that was practised to win the consent of the Scottish Parliament. The whole of the Scottish Parliament was bought. The chances of corruption and bribery being used in the Indian Constituent Assembly to buy over members to support decisions desired by interested groups are very real. Their effects, I am sure, cannot be overlooked. If this happens, it will not only make mockery of the Constituent Assembly but I feel quite certain that any attempt made to enforce its decisions will result in a civil war. It is my considered opinion that the proposal of Constituent Assembly is more dangerous than profitable and should not be entertained.

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IV

NECESSITY OF A NEW APPROACH

I shall be asked that if the Constituent Assembly is not the correct approach, what is the alternative ? I know I shall be confronted with such a question. But I am confident in my view that if the Communal Question has become difficult of solution it is not because it is insoluble, nor because we had not yet employed the machinery of Constituent Assembly. It has become insoluble because the approach to it is fundamentally wrong. The defect in the present approach is that it proceeds by methods instead of by principles. The principle is that there is no principle. There is only a series of methods. If one method fails another is tried. It is this swing from one method to another which has made the Communal Problem a jig-saw puzzle. There being no principle there is no guide to tell why a particular method has failed. There being no principle there is no assurance that the new method will succeed.

The attempts at the solution of the Communal Problem are either in the nature of a coward's plan to cow tow to the bully or of bully's plan to dictate to the weak. Whenever a community grows powerful and demands certain political advantages, concessions are made to it to win its goodwill. There is no judicial examination of its claim ; no judgement on merits. The result is that there are no limits to demands and there are no limits to concessions. A start is made with a demand for separate electorate for a minority. It is granted. It is followed by a demand for a separate electorate for a community irrespective of the fact whether it is a minority or majority. That is granted. A demand is made for separate representation on a population basis. That is conceded. Next, a claim is made for weightage in representation. That is granted. It is followed by a demand for statutory majority over other minorities with the right for the majority to retain separate electorates. This is granted. This is followed by a demand that the majority rule of another community is intolerable, and therefore without prejudice to its rights to maintain majority rule over other minorities, the majority of the offending community should be reduced to equality. Nothing can be more absurd than this policy of eternal appeasement, it is a policy of limitless demand followed by endless appeasement.

Frankly, I don't blame the community that indulges in this strategy. It indulges in it because it has found that it pays, it pursues it because there are no principles to fix the limits and it believes that more could be legitimately asked and would be easily given. On the other hand, there is a community economically poor, socially degraded, educationally backward and which is exploited, oppressed and tyrannized without shame and without remorse, disowned by society, unowned by Government and which has no security for protection and no guarantee for justice, fair play and equal opportunity. Such a community is told that it can have no safeguards, not

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because it has no case for safeguards but only because the bully on whom the bill of rights is presented thinks that because the community is not politically organized to have sanctions behind its demand he can successfully bluff.

All this differential treatment is due to the fact, that there are no principles, which are accepted as authoritative and binding on those who are parties to the Communal Question. The absence of principles has another deleterious effect. It has made impossible for public opinion to play its part. The public only knows methods and notes that one method has failed another is being suggested. It does not know why one method has failed and why another is said to be likely to succeed. The result is that the public, instead of being mobilized to force obstinate and recalcitrant parties to see sense and reason, are only witnessing the discussions of Communal Questions whenever they take place is mere shows.

The approach I am making for the solution of the Communal Problem is therefore based upon two considerations :

(1) That in proceeding to solve the Communal Problem it is essential to define the governing principles which should be invoked for determining the final solution, and

(2) That whatever the governing principles they must be applied to all parties equally without fear or favour.

V

PROPOSALS FOR SOLUTION OF THE COMMUNAL PROBLEM

Having made my position clear on certain preliminary points, I will now proceed to deal with the subject.

The Communal Problem raises three questions :

(A) The question of representation in the Legislature ;

(B) The question of representation in the Executive; and

(C) The question of representation in the Services.

A. Representation in Public Services

To take the last question first. This can hardly be said to be a subject of controversy. The principle that all communities should be represented in the Public Services in a prescribed proportion and no single community should be allowed to have a monopoly has been accepted by the Government of India. This principle has been embodied in the Government of India Resolutions of 1934 and 1943 and rules to carry it out have been laid down. It has even prescribed that any appointment made contrary to the rules shall be deemed to be null and void. All that is necessary is to convert administrative practice into statutory obligation. This can be done by adding a Schedule to the Government of India Act, which will include the provisions contained in these Resolutions and similar provisions for the different provinces and make the Schedule a part of the Law of the Constitution.

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B. Representation in the Executive

This question raises three points :

(i) The quantum of representation in the Executive;

(ii) The nature of the Executive ;

(iii) The method of filling the places in the Executive.

(i) *Quantum of Representation*

For the solution of this question, the principle which should be adopted is that the representation of the Hindus, the Muslims and the Scheduled Castes should be equal to the quantum of their representation in the Legislature.

With regard to the other minorities such as the Sikhs, Indian Christians and Anglo-Indians, it is difficult to give them representation in the Executive in strict proportion to their representation in the Legislature. This difficulty arises largely from the smallness of their numbers. If they are to get representation in the Executive in exact proportion to their numbers, the Executive would have to be enlarged to a fantastic degree. All that can be done, therefore, is to reserve a seat or two for them in the Cabinet for their representation and to establish a convention that they will get a fail portion of representation in the corps of Parliamentary Secretaries that will have to be raised, when the new Constitution comes into existence.

(ii) *Nature of the Executive*

In the Constitution of the Executive, I would propose the adoption of following principles :

(1) It must be recognised that in a country like India where there is a perpetual antipathy between the majority and the minorities and on which account the danger of communal discrimination by majority against minorities forms an ever-present menace to the minorities, the executive power assumes far greater importance than the legislative power.

(2) In view of (1) above, the system under which a party which has secured a majority at the poll is deemed entitled to form a Government on the presumption that it has the confidence of the majority is untenable in Indian conditions. The majority in India is a communal majority and not a political majority. That being the difference, the presumption that arises in England cannot be regarded as a valid presumption in the conditions of India.

(3) The Executive should cease to be a Committee of the majority party in the Legislature. It should be so constituted that it will have its mandate not only from the majority but also from the minorities in the Legislature.

(4) The Executive should be non-Parliamentary in the sense that it shall not be removeable before the term of the Legislature.

(5) The Executive should be Parliamentary in the sense that the members of the Executive shall be chosen from the members of the

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Legislature and shall have the right to sit in the House, speak, vote and answer questions.

(iii) *Method of Filling Places*

In this connection, I would propose the adoption of the following principles :

(*a*) The Prime Minister as the executive head of the Government should have the confidence of the whole House.

(*b*) The person representating a particular minority in the Cabinet should have the confidence of the members of his community in the Legislature.

(*c*) A member of the Cabinet shall not be liable to be removed except on ; impeachment by the House on the ground of corruption or treason.

Following those principles, my proposal is that the Prime Minister and the members of the Cabinet from the majority community should be elected by the whole House by a single transferable vote and that the representatives of the different Minorities in the Cabinet should be elected by a single transferable vote of the members of each minority community in the Legislature.

C. Representation in the Legislature

This is the most difficult question. All other questions depend upon the solution of this question. It raises two points :

(i) The quantum of representation; and

(ii) The nature of the electorate.

(i) *Quantum of Representation*

I would first put forth my proposals and then explain the principles on which they are based. The proposals are worked out in the following tables, which show the scale of representation for the different communities in British India in the Central Legislature as well as in the Provincial Legislature :

Proposed Ratio of Representation in the Legislatures

N.B.—The percentages of population in the following Tables differ from the census figures as they have been taken after deducting the population of Aboriginal Tribes :

1. CENTRAL ASSEMBLY

Community	Percentage of population to total	Percentage of Representation
Hindus	54.68	40
Muslims	28.50	32
Scheduled Castes	14.30	20
Indian Christians	1.16	3
Sikhs	1.49	4
Anglo-Indians	0.05	1

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2. BOMBAY

Community	Percentage of population to total	Percentage of Representation
Hindus	76.42	40
Muslims	9.98	28
Scheduled Castes	9.64	28
Indian Christians	1.75	2
Anglo-Indians	0.07	1
Parsees	0.44	1

3. MADRAS

Community	Percentage of population to total	Percentage of Representation
Hindus	71.20	40
Scheduled Castes	16.53	30
Muslims	7.98	24
Indian Christians	4.10	5
Anglo-Indians	0.06	1

4. BENGAL

Community	Percentage of population to total	Percentage of Representation
Muslims	56.50	40
Hindus	30.03	33
Scheduled Castes	12.63	25
Indian Christians	0.19	1
Anglo-Indians	0.05	1

5. UNITED PROVINCES

Community	Percentage of population to total	Percentage of Representation
Hindus	62.29	40
Scheduled Castes	21.40	29
Muslims	15.30	29
Indian Christians	0.24	1
Anglo-Indians	0.03	1

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6. PUNJAB

Community	Percentage of population to total	Percentage of Representation
Muslims	57.06	40
Hindus	22.17	28
Sikhs	13.22	21
Scheduled Castes	4.39	9
Indian Christians	1.71	2

7. C.P. & BERAR

Community	Percentage of population to total	Percentage of Representation
Hindus	72.20	40
Scheduled Castes	20.23	34
Muslims	5.70	25
Indian Christians	0.36	1

8. BIHAR

Community	Percentage of population to total	Percentage of Representation
Hindus	70.76	40
Muslims	15.05	30
Scheduled Castes	13.80	28
Indian Christians	1.71	2

9. ASSAM

Community	Percentage of population to total	Percentage of Representation
Hindus	45.60	40
Muslims	44.59	39
Scheduled Castes	8.76	19
Indian Christians	0.48	2

10. ORISSA

Community	Percentage of population to total	Percentage of Representation
Hindus	70.80	40
Scheduled Castes	17.66	36
Muslims	2.07	22
Indian Christians	0.37	2

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11. SIND

Community	Percentage of population to total	Percentage of Representation
Hindus	23.08	40
Muslims	71.30	40
Scheduled Castes	4.26	19
Indian Christians	0.29	1

VI

EFFECT ON MINORITIES

It may be desirable to set out in a tabular form the changes in the representation of the different minorities as prescribed in the Government of India Act, 1935, and as laid down in the proposals—

EFFECT ON MUSLIMS

Legislature	Population Ratio	Ratio of Representation	
		Under the Government of India Act, 1935	Under the proposed scheme
Central	28.50	32.00	32
Madras	8.00	13.49	24
Bombay	10.00	17.40	28
U.P.	15.30	28.95	29
C.P.	5.70	12.50	25
Bihar	15.00	26.32	28
Assam	44.60	31.48	38
Orissa	2.00	6.66	22

EFFECT ON SCHEDULED CASTES

Legislature	Population Ratio	Ratio of Representation	
		Under the Government of India Act, 1935	Under the proposed scheme
Central	14.30	7.60	20
Madras	16.50	13.90	30
Bombay	9.60	8.50	28
Bengal	12.60	12.00	25
U.P.	21.40	8.70	29
Punjab	4.40	4.50	9
C.P.	20.20	17.80	34
Bihar	13.80	9.80	28
Assam	8.70	6.50	20
Orissa	17.60	10.00	36
Sind	4.20	Nil.	19

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EFFECT ON INDIAN CHRISTIANS

Legislature	Population Ratio	Ratio of Representation	
		Under the Government of India Act, 1935	Under the proposed scheme
Central	1.16	3.00	3
Madras	4.10	4.20	5
Bombay	1.70	1.70	2
Bengal	0.19	0.80	1
U.P.	0.24	0.90	1
Punjab	1.70	1.14	2
C.P.	0.35	Nil	1
Bihar	1.70	0.66	2
Assam	0.48	0.90	2
Orissa	0.37	0.16	2
Sind	0.29	Nil	1

EFFECT ON SIKHS

Legislature	Population Ratio	Ratio of Representation	
		Under the Government of India Act, 1935	Under the proposed scheme
Centre	1.50	2.40	4
Punjab	13.20	18.29	21

EFFECT ON HINDUS

Legislature	Population Ratio	Ratio of Representation	
		Under the Government of India Act, 1935	Under the proposed scheme
Bengal	30.00	20.00	33
Punjab	22.10	20.00	28
Sind	23.80	31.60	40

VII

PRINCIPLES UNDERLYING THE PROPOSALS

I may now proceed to state the principles on which this distribution has been made. They are :

(1) Majority Rule is untenable in theory and unjustifiable in practice. A majority community may be conceded a relative majority of representation but it can never claim an absolute majority.*

*I have not framed any scheme of representation for the North-West Frontier province as the minority is so small that even the Principle of relative majority cannot help it.

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(2) The relative majority of representation given to a majority community in the legislature should not be so large as to enable the majority to establish its rule with the help of the smallest minorities.

(3) The distribution of seats should be so made that a combination of the majority and one of the major minorities should not give the combine such a majority as to make them impervious to the interest of the minorities.

(4) The distribution should be so made that if all the minorities combine they could, without depending on the majority, form a government of their own.

(5) The weightage taken from the majority should be distributed among the minorities in inverse proportion to their social standing, economic position and educational condition so that a minority which is large and which has a better social, educational and economic standing gets a lesser amount of weightage than a minority whose numbers are less and whose educational, economic and social position is inferior to that of the others.

If I may say so, the representation is a balanced representation. No one community is placed in a position to dominate others by reason of its numbers. The Muslim objection to the Hindu majority and the Hindu and Sikh objections to the Muslim majority are completely eliminated, both in the Central as well as in the Provinces.

VIII

NATURE OF THE ELECTORATE

With regard to the question of electorates the following propositions should be accepted :

(1) Joint electorate or separate electorate is a matter of machinery for achieving a given purpose. It is not a matter of principle.

(2) The purpose is to enable a minority to select candidates to the Legislature who will be real and not nominal representatives of the minority.

(3) While separate electorate gives an absolute guarantee to the minority, that its representatives will be no others except those who enjoy its confidence, a system of joint electorates which will give equal protection to the minorities should not be overlooked.

(4) A Four-member constituency, with a right to the minorities to have a double vote and requiring a minimum percentage of minority votes, may be considered as a possible substitute.

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IX

MATTERS NOT COVERED

(i) Question of Special Safeguards

There are other demands made on behalf of particular minorities such as :

(1) Provision of a Statutory Officer to report on the condition of minorities.

(2) Statutory provision of State aid for education, and

(3) Statutory provision for land settlement. But they are not of a communal character, I do not therefore wish to enlarge upon them here.

(ii) Aboriginal Tribes

It will be obvious that my proposals do not cover the Aboriginal Tribes although they are larger in number than the Sikhs, Anglo Indians, Indian Christians and Parsees. I may state the reasons why I have omitted them from my scheme. The Aboriginal Tribes have not as yet developed any political sense to make the best use of their political opportunities and they may easily become mere instruments in the hands either of a majority or a minority and thereby disturb the balance without doing any good to themselves. In the present stage of their development it seems to me that the proper thing to do for these backward communities is to establish a Statutory Commission to administer what are now called the 'excluded areas' on the same basis as was done in the case of the South African Constitution. Every Province in which these excluded areas are situated should be compelled to make an annual contribution of a prescribed amount for the administration of these areas.

(iii) Indian States

It will also be noticed that my proposals do not include the Indian States. I am not opposed to the inclusion of the Indian States, provided the terms and conditions of inclusion are such—

(1) that the dichotomy of divided sovereignty between British India and Indian States is completely done away with,

(2) that the judicial and political boundaries which separate British India from Indian States will disappear, that there will be no such entities as British India or Indian States and in their place there will be only one entity namely India, and

(3) that the terms and conditions of inclusion do not prevent India from having full and plenary powers of a Dominion. I have worked out a scheme for the fusion of the Indian States and British India, which will permit the realization of these objects. I do not wish to overburden this address with the details of the plan. For the moment, it is better if British India marches to her goal without complicating its progress by an entanglement with the Indian States.

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X

PAKISTAN IN THE LIGHT OF PROPOSALS

My proposals are for an United India. They are made in the hope that the Muslims will accept them in preference to Pakistan as providing better security than Pakistan does. I am not against Pakistan, I believe it is founded on principle of self-determination, which it is now too late to question. I am prepared to give them the benefit of the principle, on condition that the Muslims do not deny the benefit of the principles to the Non-Muslim residents of the Area. But I believe, I am entitled to draw the attention of the Muslims to another and a better plan of security. I claim that my plan is better than the plan of Pakistan. Let me state the points which tell in favour of my plan. They are :

(i) Under my proposal the danger of a communal majority, which is the basis of Pakistan is removed,

(ii) Under my proposal the weightage at present enjoyed by the Muslims is not disturbed.

(iii) The position of Muslims in the Non-Pakistan Provinces is greatly strengthened by an increase in their representation, which they may not get if Pakistan comes and which will leave them in a more helpless condition than they are in at present.

XI

A WORD TO HINDUS

Much of the difficulty over the Communal Question is due to the insistance of the Hindus that the rule of majority is sacrosanct and that it must be maintained at all costs. The Hindu does not seem to be aware of the fact that there is another rule, which is also operative in fields where important disputes between individual and nations arise and that rule is a rule of unanimity. If he will take the trouble to examine the position he will realise that such a rule is not a fiction, but it does exist. Let him take the Jury System. In the jury trial the principle is unanimity. The decision is binding upon the judge only if the verdict of the jury is unanimous. Let him take another illustration that of the League of Nations. What was the rule for decisions in the League of Nations ? The rule was a rule of unanimity. It is obvious that if the principle of unanimity was accepted by the Hindus as a rule of decision in the Legislature and in the Executive there would be no such thing as a Communal Problem in India.

One may well ask the Hindu that if he is not prepared to concede constitutional safeguards to the minorities, is he prepared to agree to the rule of unanimity ? Unfortunately he is not prepared to accept either.

About the rule of majority the Hindu is not prepared to admit any limitations. The majority he wants is an absolute majority. He will not be satisfied with relative majority. He should consider whether his insistance on absolute majority is fair proposition, which political philosophers can accept. He is not aware that even the constitution of the United States does

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not lend support to the absolutistic rule of majority rule on which the Hindu has been insisting upon.

Let me illustrate the point from the constitution of the United States. Take the clause embodying Fundamental Rights. What does that clause mean ? It means that, matters included in Fundamental Rights are of such supreme concern that a mere majority rule is not enough to interfere with them. Take another illustration also from the Constitution of the United States. The Constitution says that no part of the Constitution shall be altered unless the proposition is carried by three-fourths majority and ratified by the States. What does this show ? It shows that the United States Constitution recognizes for certain purposes mere majority rule is not competent.

All these cases are of course familiar to many a Hindu. The pity of it is, he does not read from them the correct lesson. If he did, he would realize that the rule of the majority rule is not as sacrosanct a principle as he thinks it is. The majority rule is not accepted as a principle but is tolerated as a rule. I might also state why it is tolerated. It is tolerated for two reasons; (1) because the majority is always a political majority and (2) because the decision of a political majority accepts and absorbs so much of the point of view of the minority that the minority does not care to rebel against the decision.

In India, the majority is not a political majority. In India the majority is born ; it is not made. That is the difference between a communal majority and a political majority. A political majority is not a fixed or a permanent majority. It is a majority which is always made, unmade and remade. A communal majority is a permanent majority fixed in its attitude. One can destroy it, but one cannot transform it. If there is so much objection to a political majority, how very fatal must be the objection to a communal majority ?

It may be open to the Hindus to ask Mr. Jinnah, why in 1930 when he formulated his fourteen points he insisted upon the principle of majority rule to such an extent that one of the fourteen points stipulated that in granting weightage, limits should be placed whereby a majority shall not be reduced to a minority or equality. It may be open to the Hindus to ask Mr. Jinnah, if he is in favour of a Muslim majority in Muslim Provinces, why he is opposed to a Hindu Majority in the Centre ? The Hindu must however realize that these posers may lead to the conclusion, that Mr. Jinnah's position is inconsistent. They cannot lead to the affirmation of the principle of majority rule.

The abandonment of the principle of majority rule in politics cannot affect the Hindus very much in other walks of life. As an element in social life they will remain a majority. They will have the monopoly of trade and business which they enjoy. They will have the monopoly of the property which they

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have. My proposals do not ask the Hindus to accept the principle of unanimity. My proposals do not ask the Hindus to abandon the principle of majority rule. All I am asking them is to be satisfied with a relative majority. Is it too much for them to concede this ?

Without marking any such sacrifice the Hindu majority is not justified in representing to the outside world that the minorities are holding up India's Freedom. This false propaganda will not pay. For the minorities are doing nothing of the kind. They are prepared to accept freedom and the dangers in which they likely to be involved; provided they granted satisfactory safeguards. This gesture of the minorities is not to be treated as a matter for which Hindus need not be grateful. It may well be contrasted with what happened in Ireland. Mr. Redmond, the leader of the Irish Nationalists once told Carson, the leader of Ulster; "Consent to United Ireland, Ask for any safeguard and they shall be granted to you". He is reported to have turned round and said : "Damn your safeguards ; we don't want to be ruled by you". The minorities in India have not said that. They are ready to be satisfied with safeguards. I ask the Hindus Is this not worth a mass ? I am sure it is.

XII

CONCLUSION

These are some of the proposals I have had in mind for the solution of the Communal Problem. They do not commit the All-India Scheduled Castes Federation. They do not even commit me. In putting them forth, I am doing nothing more than exploring a new way. My emphasis is more on the principle, I have enunciated, than on the actual proposals. If the principles are accepted then I am sure the solution of the Communal Question will not be as baffling as it has been in the past.

The problem of solving the Indian deadlock is not easy. I remember reading a historian describing the condition of Germany before the Confederation of 1867 as one of ' Divinely Ordained Confusion'. Whether that was true of Germany or not, it seems to me that they form a very accurate description of the present conditions of India. Germany did get out of this confusion, if not at one stroke at least by successive stages until just before the war she became a unified people, unified in mind, unified in outlook and unified by belief in a common destiny. India has not so far succeeded in evolving order out of her confusion. It is not that she had no opportunities to do so. In fact, there have been quite a number. The first opportunity came in 1927, when Lord Birkenhead gave a challenge to Indians asking them to produce a constitution for India. That challenge was taken up. A committee was formed to frame a constitution. A constitution was produced and was known as '*The Nehru Constitution'*. It was, however, not accepted by Indians and was buried without remorse. A second opportunity presented itself to *Indians in 1930,* when they assembled at the Round Table Conference. There again, Indians failed to play their part and write out their own

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Constitution. A third attempt is the one recently made by the Sapru Committee. The proposals of this committee too have fallen flat.

There is neither enthusiasm nor optimism left to indulge in another attempt. One is persued by a sense of fatality, which suggests that as every attempt is doomed to failure, none need be made. At the same time I feel that no Indian ought to be so down hearted or so callous as to let the deadlock stink, as though it was a dead dog, and say that he is prepared to do nothing more than be a mere witness to the political dog-fight that is going on in this country. The failures of the past need not daunt any body. They do not daunt me. For, I have a feeling that though it is true that all attempts to reach an agreement on the communal question have failed, the failure have been due not so much to any inherent fault of the Indians as they have been due to a wrong approach. I feel confident that my proposals, if considered dispassionately, should be found acceptable. They constitute a new approach and as such I commend them to my countrymen.

Before I conclude, I must, however, warn my critics that they may be able to amend my proposals in some respects ; but it will not be easy to reject them. If they do reject them, the first thing they shall have to do is to controvert the principles on which they are based.

●●

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10

STATES AND MINORITIES

What are Their Rights and How to Secure Them in the Constitution of Free India

Memorandum on the Safeguards for the Scheduled Castes submitted to the Constituent Assembly on behalf of the All India Scheduled Castes Federation

Published: 1947

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STATES AND MINORITIES

PREFACE

Soon after it became definite that the framing of the future Constitution of India was to be entrusted to a Constituent Assembly, the Working Committee of the All-India Scheduled Castes Federation asked me to prepare a Memorandum on the Safeguards for the Scheduled Castes for being submitted to the Constituent Assembly, on behalf of the Federation. I very gladly undertook the task. The results of my labour are contained in this brochure.

The Memorandum defines Fundamental Rights, Minority Rights and Safeguards for the Scheduled Castes. Those who hold the view that the Scheduled Castes are not a minority might say that in this matter I have gone beyond prescribed bounds. The view that the Scheduled Castes are not a minority is a new dispensation issued on behalf of the High and Mighty Hindu Majority which the Scheduled Castes are asked to submit to. The spokesmen of the Majority have not cared to define its scope and its meaning. Anyone with a fresh and free mind, reading it as a general proposition, would be justified in saying that it is capable of double interpretation. I interpret it to mean that the Scheduled Castes are more than a minority and that any protection given to the citizens and to the minorities will not be adequate for the Scheduled Castes. In other words it means that their social, economic and educational condition is so much worse than that of the citizens and other minorities that in addition to protection they would get as citizens and as minorities the Scheduled Castes would require special safeguards against

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the tyranny and discrimination of the majority. The other interpretation is that the Scheduled Castes differ from a minority and therefore they are not entitled to the protection which can be claimed by a minority. This interpretation appears to be such unmitigated nonsense that no sane man need pay any attention to it. The Scheduled Castes must be excused if they ignore it. Those who accept my interpretation of the view that the Scheduled Castes are not a minority will, I am sure, agree with me that I am justified in demanding for the Scheduled Castes, all the benefit of the Fundamental Rights of citizens, all the benefit of the Provisions for the Protection of the minorities and in addition special Safeguards.

The memorandum was intended to be submitted to the Constituent Assembly. There was no intention to issue it to the public. But my caste Hindu friends who have had the opportunity to read the typescript have pressed me to give it a wider circulation. Although it is meant for members of the Constituent Assembly, I do not see any breach of decorum in making it available to the general public. I have therefore agreed to fall in line with their wishes.

Instead of setting out my ideas in general terms, I have drafted the Memorandum in the form of Articles of the Constitution. I am sure that for the sake of giving point and precision this method will be found to be more helpful. For the benefit of the Working Committee of the Scheduled Castes Federation, I had prepared certain explanatory notes and other statistical material. As the notes and the statistical material are likely to be useful to the general reader, I have thought it better to print them along with the Memorandum rather than keep them back.

Among the many problems the Constituent Assembly has to face, there are two which are admittedly most difficult. One is the problem of the Minorities and the other is the problem of the Indian States. I have been a student of the problem of the Indian States and I hold some very definite and distinct views on the subject. It was my hope that the Constituent Assembly would elect me to the States Committee Evidently, it has found men of superior calibre for the work. It may also be because I am one of those who are outside the tabernacle and therefore undesirable. I am not sorry to find myself left out. My only regret is that I have lost an opportunity to which I was looking forward

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for placing my views for the consideration of the Committee. I have therefore chosen to do the next best thing—namely, to incorporate them in this brochure along with the Rights of Citizens, of Minorities and of the Scheduled Castes so that a wider public may know what they are, may value them for what they are worth and may make such use of them as it may deem fit.

"Raja Graha"
Dadar, Bombay-14
15-3-47

B. R. AMBEDKAR

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CONSTITUTION OF THE UNITED STATES OF INDIA

PROPOSED PREAMBLE

We the people of the territories of British India distributed into administrative units called Provinces and Centrally Administered Areas and of the territories of the Indian States with a view to form a more perfect union of these territories do—

(For explanation, see page 405)

ordain that the Provinces and the Centrally Administered Areas (to be hereafter designated as States) and the Indian States shall be joined together into a Body Politic for Legislative, Executive and Administrative purposes under the style *The United States of India* and that the union so formed shall be indissoluble

and that with a view :

(i) to secure the blessings both of self-government and good government throughout the united States of India to ourselves and to our posterity,

(ii) to maintain the right of every subject to life, liberty and pursuit of happiness and to free speech and free exercise of religion,

(iii) to remove social, political and economic inequality by providing better opportunities to the submerged classes,

(iv) to make it possible for every subject to enjoy freedom from want and freedom from fear, and

(v) to provide against internal disorder and external aggression,

establish this Constitution for the United States of India.

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PROPOSED ARTICLE I

DETAILED ANALYSIS

Article I, Section I—*Admission of Indian States into the Union :*

Clause 1. Qualified Indian States and their admission into the Union.

Clause 2. Relation of Qualified Indian States which have not entered the Union and of the Disqualified Indian States to the United States of India.

Clause 3. Power of the United States of India to reorganise the territory of the Disqualified Indian States into suitable Administrative Units with a view to qualify them for admission into the Union as States of the Union.

Clause 4. Formation of new States within the Union.

Article I, Section II—*United States of India and New Territory :*

Clause 1. Incorporation of Foreign States into the Union.

Clause 2. Acquisition of new territory by the United States of India and its retention as unincorporated territory of the Union.

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ARTICLE I—Section I

ADMISSION OF INDIAN STATES INTO THE UNION

Clause 1

For explanation, see page 405

The United States of India may, on application and on fulfilment of the terms prescribed by an Enabling Act of the Union Legislature laying down the form of the Constitution admit an Indian State into the Union provided the Indian State seeking admission is a Qualified State.

For the purposes of this clause a list of Qualified Indian States shall be drawn up. A State shall not be deemed to be a Qualified State unless it is proved that it is of a standard size prescribed by the Union Legislature and is endowed with natural resources capable of supporting a descent standard of living for its people and can, by reason of its revenues and population function as an autonomous State, protect itself against external aggression, maintain Law and Order against internal disturbance and guarantee to its subjects minimum standards of administration and welfare which are expected from a modern State.

Clause 2

The territory of an Indian State which is a Qualified State but which has not entered the Union and the territory of the Indian States which are disqualified shall be treated as incorporated territories of the United States of India and shall at all times form integral parts thereof and shall be subject to such parts of the Constitution of the United States of India as may be prescribed by the Union Legislature.

Clause 3

The United States of India shall have power to reform, rearrange, redistribute and amalgamate the territories of Disqualified Indian States into suitable Administrative Units for admission into the Union as States of the Union.

Clause 4

After a State has been admitted into the Union as a State no new State shall be formed or created within its jurisdiction nor any new State shall be formed by the junction of two or more States or parts of States without the consent of the Legislatures of the States concerned as well as of the Union Legislature.

ARTICLE I—Section II

Clause 1

The United States of India may admit into the Union any territory which forms a natural part of India or which is on the border of India on terms

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and conditions mutually agreed upon. Provided that the terms shall not be inconsistent with the Constitution of the United States of India and the admission is recommended by the Legislatures of one half of the States comprising the United States of India in the form of a resolution.

(For explanation, see page 406)

Clause 2

The United States of India may acquire territory and may treat it as unincorporated territory. The provisions of the Constitution of the United States of India shall not apply to the unincorporated territory unless a provision to the contrary is made by the Legislature of the United States of India.

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PROPOSED ARTICLE II

DETAILED ANALYSIS

Article II, Section I—*Fundamental Rights of Citizens.*

Article II, Section II—*Remedies against Invasion of Fundamental Rights:*

Clause 1. Judicial Protection.

Clause 2. Protection against Unequal Treatment.

Clause 3 Protection against Discrimination.

Clause 4. Protection against Economic Exploitation.

Article II, Section III—*Provisions for the Protection of Minorities:*

Clause 1. Protection against Communal Executive.

Clause 2. Protection against Social and Official Tyranny.

Clause 3. Protection against Social Boycott.

Clause 4. Authority and obligation of the Union and State Governments to spend money for public purposes including purposes beneficial to Minorities.

Article II, Section IV—*Safeguards for the Scheduled Castes.*

Part I—Guarantees:

Clause 1. Right to Representation in the Legislature and in the Local Bodies,

Clause 2. Right to Representation in the Executive.

Clause 3. Right to Representation in Services.

Part II—Special Responsibilities;

Clause 1. For Higher Education.

Clause 2. For Separate Settlements.

Part III—Sanction for Safeguards and Amendment of Safeguards :

Clause 1. Safeguards to be embodied in the Constitution.

Clause 2. Amendment of Safeguards.

Part IV—Protection of Scheduled Castes in Indian States.

Part V—Interpretation.

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ARTICLE II—Section I

FUNDAMENTAL RIGHTS OF CITIZENS

The Constitution of the United States of India shall recognize the following as Fundamental Rights of citizenship :

Fundamental Rights. (For explanation, see page 406)

1. All persons born or naturalized within its territories are citizens of the United States of India and of the State wherein they reside. Any privilege or disability arising out of rank, birth, person, family, religion or religious usage and custom is abolished.

2. No State shall make or enforce any law or custom which shall abridge the privileges or immunities of citizens ; nor shall any State deprive any person of life, liberty and property without due process of law; nor deny to any person within its jurisdiction equal protection of law.

3. All citizens are equal before the law and possess equal civic rights. Any existing enactment, regulation, order, custom or interpretation of law by which any penalty, disadvantage or disability is imposed upon or any discrimination is made against any citizen shall, as from the day on which this Constitution comes into operation, cease to have any effect.

4. Whoever denies to any person, except for reasons by law applicable to persons of all classes and regardless of their social status, the full enjoyment of any of the accommodations, advantages, facilities, privileges of inns, educational institutions, roads, paths, streets, tanks, wells and other watering places, public conveyances on land, air or water, theatres or other places of public amusement, resort or convenience, whether they are dedicated to or maintained or licensed for the use of the public, shall be guilty of an offence.

5. All citizens shall have equal access to all institutions, conveniences and amenities maintained by or for the public.

6. No citizen shall be disqualified to hold any public office or exercise any trade or calling by reason of his or her religion, caste, creed, sex or social status.

7. (i) Every citizen has the right to reside in any part of India. No law shall be made abridging the right of a citizen to reside except for consideration of public order and morality.

(ii) Every citizen has the right to settle in any part of India, subject to the production of a certificate of citizenship from the State of his origin. The permission to settle shall not be refused or withdrawn except on grounds specified in sub-clause (iv) of this clause.

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(iii) The State in which a citizen wishes to settle may not impose any special charge upon him in respect of such settlement other than the charge imposed upon its own inhabitants. The maximum fees chargeable in respect of permits for settlement shall be determined by laws made by the Union Legislature.

(iv) The permission to settle may be refused or withdrawn by a State from persons—

(*a*) who have been habitual criminals ;

(*b*) whose intention to settle is to alter the communal balance of the State ;

(*c*) who cannot prove to the satisfaction of the State in which they wish to settle that they have an assured means of subsistence and who are likely to become or have become a permanent burden upon public charity;

(*d*) whose State of origin refuses to provide adequate assistance for them when requested to do so,

(v) Permission to settle may be made conditional upon the applicant being capable of work and not having been a permanent charge upon public charity in the place of his origin, and able to give security against unemployment.

(vi) Every expulsion must be confirmed by the Union Government.

(vii) Union Legislature shall define the difference between settlement and residence and at the same time, prescribe regulations governing the political and civil rights of persons during their residence.

8. The Union Government shall guarantee protection against persecution of a community as well as against internal disorder or violence arising in any part of India.

9. Subjecting a person to forced labour or to involuntary servitude shall be an offence.

10. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

11. The right of a citizen to vote shall not be denied or abridged on any account other than immaturity, imprisonment and insanity.

12. No law shall be made abridging the freedom of Speech, of the Press, of Association and of Assembly except for consideration of public order and morality.

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13. No Bill of attainder or *ex post facto* law shall be passed.

14. The State shall guarantee to every Indian citizen liberty of conscience and the free exercise of his religion including the right to profess, to preach and to convert within limits compatible with public order and morality.

15. No person shall be compelled to become a member of any religious association, submit to any religious instruction or perform any act of religion. Subject to the foregoing provision, parents and guardians shall be entitled to determine the religious education of children up to the age of 16 years.

16. No person shall incur any penalties of any kind whatsoever by reason of his caste, creed or religion nor shall any person be permitted to refuse to fulfil any obligation of citizenship on the ground of caste, creed or religion.

17. The State shall not recognise any religion as State religion.

18. Persons following a religion shall be guaranteed freedom of association and shall have, if they so desire, the right to call upon the State to pass legislation in terms approved by them making them into a body corporate.

19. Every religious association shall be free to regulate and administer its affairs, within the limits of the laws applicable to all.

20. Religious associations shall be entitled to levy contributions on their members who are willing to pay them if their law of incorporation permits them to do so. No person may be compelled to pay taxes the proceeds of which are specifically appropriated for the use of any religious community of which he is not a member.

21. All offences under this section shall be deemed to be cognizable offences. The Union Legislature shall make laws to give effect to such provisions as require legislation for that purpose and to prescribe punishment for those acts which are declared to be offences.

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ARTICLE II—Section II

REMEDIES AGAINST INVASION OF FUNDAMENTAL RIGHTS

The United States of India shall provide :

Clause 1

(1) That the Judicial Power of India shall be vested in a Supreme Court.

Judicial Protection against Executive Tyranny. (For explanation, see page 406)

(2) The Supreme Court shall have the power of superintendence over all other Courts or officers exercising the powers of a Court, whether or not such Courts or officers are subject to its appellate or revisional jurisdiction.

(3) The Supreme Court shall have the power on the application of an aggrieved party to issue what are called prerogative writs such as *Hebeas Corpus, Quo Warranto Prohibition, Certiorari* and *Mandamus,* etc. For purposes of such writs the Supreme Court shall be a Court of general jurisdiction throughout India.

(4) The right to apply for a writ shall not be abridged or suspended unless when in cases of rebellion or invasion the public safety may require it.

Clause 2

Protection against Unequal Treatment. (For explanation, see pages 406-8)

That the Authority of the Legislature and the Executive of the Union as well as of every State throughout India shall be subject to the following limitations :

It shall not be competent for any Legislature or Executive in India to pass a law or issue an order, rule or regulation so as to violate the following rights of the subjects of the State :

(1) to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property.

(2) to be eligible for entry into the civil and military employ and to all educational institutions except for such conditions and limitations as may be necessary to provide for the due and adequate representation of all classes of the subjects of the State.

(3) to be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, educational institutions, privileges of inns, rivers, streams, wells, tanks, roads, paths, streets, public conveyances on land, air and water, theatres and other places of public resort or amusement except for such conditions and limitations applicable alike to all subjects of every race, class, caste, colour *or* creed.

(4) to be deemed fit for and capable of sharing without distinction the benefits of any religious or charitable trust dedicated to or created, maintained or licensed for the general public or for persons of the same faith and religion.

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(5) to claim full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by other subjects regardless of any usage or custom or usage or custom based on religion and be subject to like punishment, pains and penalties and to none other.

Clause 3

Protection against Discrimination. (For explanation, see page 408)

(1) Discrimination against citizens by Government officers in Public administration or by private employers in factories and commercial concerns on the ground of race or creed or social status shall be treated as an offence. The jurisdiction to try such cases shall be vested in a tribunal to be created for the purpose.

(2) The Union Legislature shall have the right as well as the obligation to give effect to this provision by appropriate legislation.

Clause 4

The United States of India shall declare as a part of the law of its constitution—

Protection against Economic Exploitation. (For explanation, see pages 408-12)

(1) That industries which are key industries or which may be declared to be key industries shall be owned and run by the State ;

(2) That industries which are not key industries but which are basic industries shall be owned by the State and shall be run by the State or by Corporations established by the State ;

(3) That Insurance shall be a monopoly of the State and that the State shall compel every adult citizen to take out a life insurance policy commensurate with his wages as may be prescribed by the Legislature ;

(4) That agriculture shall be State Industry;

(5) That State shall acquire the subsisting rights in such industries, insurance and agricultural land held by private individuals, whether as owners, tenants or mortgagees and pay them compensation in the form of debenture equal to the value of his or her right in the land. Provided that in reckoning the value of land, plant or security no account shall be taken of any rise therein due to emergency, of any potential or unearned value or any value for compulsory acquisition;

(6) The State shall determine how and when the debenture holder shall be entitled to claim cash payment;

(7) The debenture shall be transferable and inheritable property but neither the debenture holder nor the transferee from the original holder nor his heir shall be entitled to claim the return of the land or interest in any industrial concern acquired by the State or be entitled to deal with it in any way ;

(8) The debenture-holder shall be entitled to interest on his debenture at such rate as may be defined by law, to be paid by the State in cash or in kind as the State may deem fit;

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(9) Agricultural industry shall be organized on the following basis :

(i) The State shall divide the land acquired into farms of standard size and let out the farms for cultivation to residents of the village as tenants (made up of group of families) to cultivate on the following conditions :

(*a*) The farm shall be cultivated as a collective farm ;

(*b*) The farm shall be cultivated in accordance with rules and directions issued by Government;

(*c*) The tenants shall share among themselves in the manner prescribed the produce of the farm left after the payment of charges properly leviable on the farm ;

(ii) The land shall be let out to villagers without distinction of caste or creed and in such manner that there will be no landlord, no tenant and no landless labourer ;

(iii) It shall be the obligation of the State to finance the cultivation of the collective farms by the supply of water, draft animals, implements, manure, seeds, etc.;

(iv) The State shall be entitled to—

(*a*) to levy the following charges on the produce of the farm :

(i) a portion for land revenue ;

(ii) a portion to pay the debenture-holders ; and

(iii) a portion to pay for the use of capital goods supplied ; and

(*b*) to prescribe penalties against tenants who break the conditions of tenancy or wilfully neglect to make the best use of the means of cultivation offered by the State or otherwise act prejudicially to the scheme of collective farming ;

(10) The scheme shall be brought into operation as early as possible but in no case shall the period extend beyond the tenth year from the date of the Constitution coming into operation.

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ARTICLE II—Section III

PROVISIONS FOR THE PROTECTION OF MINORITIES

The Constitution of the United States of India shall provide :

Clause 1

Protection against Communal Executive. (For explanation, see pages 412-15)

(1) That the Executive—Union or State—shall be non-Parliamentary in the sense that it shall not be removable before the term of the Legislature.

(2) Members of the Executive if they are not members of the Legislature shall have the right to sit in the Legislature, speak, vote and answer questions.

(3) The Prime Minister shall be elected by the whole House by single transferable vote.

(4) The representatives of the different minorities in the Cabinet shall be elected by members of each minority community in the Legislature by single transferable vote.

(5) The representatives of the majority community in the Executive shall be elected by the whole House by single transferable vote.

(6) A member of the Cabinet may resign his post on a censure motion or otherwise but shall not be liable to be removed except on impeachment by the House on the ground of corruption or treason.

Clause 2

Protection against social and official tyranny. (For explanation, see page 416)

(1) That there shall be appointed an Officer to be called the Superintendent of Minority Affairs.

(2) His status shall be similar to that of the Auditor-General appointed under section 166 of the Government of India Act of 1935 and removable in like manner and on the like grounds as a Judge of the Supreme Court,

(3) It shall be the duty of the Superintendent to prepare an annual report on the treatment of minorities by the public, as well as by the Governments, Union and State and of any transgressions of safeguards or any miscarriage of justice due to communal bias by Governments or their Officers.

(4) The Annual Report of the Superintendent shall be placed on the Table of the Legislatures—Union and State, and the Governments—Union and State, shall be bound to provide time for the discussion of the Report.

Clause 3

Protection against social boycott. (For explanation, see pages 416-18)

That Social Boycott, Promoting or Instigating a Social Boycott or Threatening a Social Boycott as defined below shall be declared to be an offence :

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(i) *Boycott Defined.*—A person shall be deemed to boycott another who—

(*a*) refuses to let or use or occupy any house or land, or to deal with, work for hire, or do business with another person, or to render to him or receive from him any service, or refuses to do any of the said things on the terms on which such things should commonly be done in the ordinary course of business, or

(*b*) abstains from such social, professional or business relations as he would, having regard to such existing customs in the community which are not inconsistent with any fundamental right or other rights of citizenship declared in the Constitution, ordinarily maintain with such person, or

(*c*) in any way injures, annoys or interferes with such other person in the exercise of his lawful rights.

(ii) *Offence of Boycotting.*—Whoever, in consequence of any person having done any act which he was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do or to omit to do any act which be is legally entitled to do, or with intent to cause harm to such person in body, mind, reputation or property, or in his business or means of living, boycotts such person or any person in whom such person is interested, shall be guilty of offence of boycotting.

Provided that no offence shall be deemed to have been committed under this Section, if the Court is satisfied that the accused person has not acted at the instigation of or in collusion with any other person or in pursuance of any conspiracy or of any agreement or combination to boycott.

(iii) *Offence of Instigating or Promoting a Boycott*—

Whoever—

(*a*) publicly makes or publishes or circulates a proposal for, or

(*b*) makes, publishes or circulates any statement, rumour or report with intent to, or which he has reason to believe to be likely to cause, or

(*c*) in any other way instigates or promotes the boycotting of any person or class of persons, shall be guilty of the offence of instigating or promoting a boycott.

Explanation—An offence under this clause shall be deemed to have been committed although the person affected or likely to be affected by any action of the nature referred to herein is not designated by name or class but only by his acting or abstaining from acting in some specified manner.

(iv) *Offence of Threatening a Boycott.*—Whoever, in consequence of any person having done any act which he was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do,

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threatens to cause such person or any person in whom such person is interested, to be boycotted shall be guilty of the offence threatening a boycott.

Exception.—It is not boycott—

(i) to do any act in furtherance of a *bona fide* labour dispute ;

(ii) to do any act in the ordinary course of business competition.

(2) All these offences shall be deemed to be cognizable offences. The Union Legislature shall make laws prescribing punishment for these offences.

Clause 4

Power of Governments to spend money for any purposes connected with the Government of India including purposes beneficial to the Minorities.
(For explanation, see page 418)

That the Power of the Central and Provincial Governments to make grants for any purpose, notwithstanding that the purpose is not one for which the Union or State Legislature as the case may be may make laws, shall not be abridged or taken away.

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ARTICLE II—Section IV

SAFEGUARDS FOR THE SCHEDULED CASTES

PART I—GUARANTEES

Right to Representation in the Legislature. (For explanation, see pages 419-24)

The Constitution of the United States of India shall guarantee to the Scheduled Castes the following Rights:

Clause 1

Right to Representation in the Legislature

(1) *Quantum of Representation.*—(*a*) (i) The Scheduled Castes shall have minimum representation in the Legislature—Union and State—and if there be a group Constitution then in the group Legislature equal to the ratio of their population to the total population. Provided that no other minority is allowed to claim more representation than what is due to it on the basis of its population.

(ii) The Scheduled Castes of Sind and N.W.F. Provinces shall be given their due share of representation.

(iii) Weightage where it becomes necessary to reduce a huge communal majority to reasonable dimensions shall come out of the share of the majority. In no case shall it be at the cost of another minority community.

(iv) Weightage carved out from the share of majority shall not be assigned to one community only. But the same shall be divided among all minority communities equally or in inverse proportion to their—

(1) economic position,

(2) social status, and

(3) educational advance.

(*b*) There should be no representation to special interests. But if the same is allowed it must be taken out of the share of representation given to that community to which the special interest belongs.

(2) *Method of Election*—

(*A*) *For Legislative Bodies*

(*a*) The system of election introduced by the Poona Pact shall be abolished.

(*b*) In its place, the system of *Separate Electorates* shall be substituted.

(*c*) Franchise shall be adult franchise.

(*d*) The system of voting shall be cumulative.

(*B*) *For Local Bodies*

The principles for determining the quantum of representation and the Method of election for Municipalities and Local Boards shall be the same as that adopted for the Union and State Legislatures.

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Clause 2

Right to Representation in the Executive. (For explanation, see pages 424-25)

(1) The Scheduled Castes shall have minimum representation in the Executive—Union and State—and if there be a group Constitution then in the group Executive equal to the ratio of their population to the total population. Provided that no minority community is allowed to claim more than its population ratio.

(2) Weightage where it becomes necessary to reduce a huge majority to reasonable dimensions shall come out of the share of the majority community. In no case shall it be at the cost of another minority community,

(3) Weightage carved out from the share of the majority shall not be assigned to one community only But the same shall be divided among all minorities equally or in inverse proportion to :

(i) their economic position.

(ii) social status, and

(iii) educational advance.

Clause 3

Right to Representation in the Services

Right to Representation in services. (For explanation, see page 425)

(*a*) The quantum of representation of the Scheduled Castes in the Services shall be as follows :

(i) *In the Union Services.*—In proportion to the ratio of their population to the total population in India or British India as the case may be.

(ii) *In the State and Group Services.*—In proportion to their population in the State or Union.

(iii) *In the Municipal and Local Board Services.*—In proportion to their population in the Municipal and Local Boards areas :

Provided that no minority community is allowed to claim more than its population ratio of representation in the Services.

(*b*) Their right to representation in the Services shall not be curtailed except by conditions relating to minimum qualifications, education, age, etc.

(*c*) The conditions prescribed for entry in Services shall not abrogate any of the concessions given to the Scheduled Castes by the Government of India in their Resolutions of 1942 and 1945.

(*d*) The method of filling up the vacancies shall conform to the rules prescribed in the Government of India Resolutions of 1942 and 1946.

(*e*) On every Public Services Commission or a Committee constituted for filling vacancies, the Scheduled Castes shall have at least one representative.

PART II—Special Responsibilities

Provisions for Higher Education (For explanation, see page 425)

That the United States of India shall undertake the following special responsibilities for the betterment of the Scheduled Castes :

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Clause 1

(1) Governments—Union and State—shall be required to assume financial responsibility for the higher education of the Scheduled Castes and shall be required to make adequate provisions in their budgets. Such Provisions shall form the first charge on the Education Budget of the Union and State Government.

(2) The responsibility for finding money for secondary and college education of the Scheduled Castes in India shall be upon the State Governments and the different States shall make a provision in their annual budgets for the said purpose in proportion to the population of the Scheduled Castes to the total budget of the States.

(3) The responsibility for finding money for foreign education of the Scheduled Castes shall be the responsibility of the Union Government and the Union Government shall make a provision of rupees 10 lakhs per year in its annual budget in that behalf.

(4) These special grants shall be without prejudice to the right of the Scheduled Castes to share in the expenditure incurred by the State Government for the advancement of primary education for the people of the State.

Clause 2

Provision for New Settlements. (For explanation. see pages 425-26)

1. The following provision shall be made in the Constitution of the Union Government :

(i) There shall be a Settlement Commission under the new Constitution to hold uncultivated lands belonging to the State in trust for Settlement of the Scheduled Castes in separate villages.

(ii) The Union Government shall set apart annually a fund of Rs. 5 crores for the purpose of promoting the scheme of settlement.

(iii) That the Commission shall have the power to purchase any land offered for sale and use it for the said purpose.

2. The Union Government shall from time to time pass such legislation as may be necessary for the Commission to carry out its functions.

PART III—Sanction for Safeguards and Amendment of Safeguards

Clause 1

The Constitution of the United States shall provide that—

Sanction for safeguards. (For explanation, see pages 426-28)

The United States of India undertakes to give the safeguards contained in Article II Section IV a place in the Constitution and make them a part of the Constitutional Law of India.

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Clause 2

Mode of Amendment of safeguards. (For explanation, see page 428).

The provisions for the Scheduled Castes shall not be altered, amended or abrogated except in the following manner :

Any amendment or abrogation of Section IV of Article II or any part thereof relating to the Scheduled Castes shall only be made by a Resolution passed in the manner prescribed below by the more Popular Chamber of the Union Legislature :

(i) Any proposal for amendment or abrogation shall be initiated in the form of a Resolution in the more Popular Chamber of the Union Legislature.

(ii) No such Resolution shall be moved—

(*a*) unless 25 years have elapsed after the Constitution has come into operation and has been worked ; and

(*b*) unless six months' notice has been given to the House by the mover of his intention to move such a Resolution.

(iii) On the passing of such a Resolution, the Legislature shall be dissolved and a new election held.

(iv) The original Resolution in the form in which it was passed by the previous Legislature shall be moved afresh in the same House of the newly elected Union Legislature.

(v) The Resolution shall not be deemed to have been carried unless it is passed by a majority of two-thirds of the members of the House and also two-thirds of members of the Scheduled Castes who have been returned through separate electorates.

PART IV—Protection of Scheduled Castes in the Indian States

Safeguards for Scheduled Castes in Indian States. (For explanation, see page 428)

The Constitution of the United States shall provide that the admission of the Indian States into the Union shall be subject to the following condition :

"All provisions relating to the Scheduled Castes contained in Section IV of Article II of the Constitution of the United States of India shall be extended to the Scheduled Castes in the Indian States. Such a provision in the Constitution of an Indian States shall be a condition precedent for its admission into the Union."

PART V—Interpretation

Scheduled Castes a Minority. (For explanation, see page 428)

I. For the purposes of Article II the Scheduled Castes, as defined in the Government of India Scheduled Caste Order, 1936, issued under the Government of India Act, 1935, shall be deemed to be a minority.

Scheduled Castes and change of Domicile. (For explanation, see page 428)

II. For the purposes of Article II a Caste which is a Scheduled Caste in one State shall be treated as Scheduled Caste in all States of the Union.

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Appendix I

EXPLANATORY NOTES

Preamble

The Preamble gives constitutional shape and form to the Resolution on objectives passed by the Constituent Assembly on Wednesday the 22nd January 1947.

ARTICLE I—Section I

Clauses 1 to 4

The admission of the six hundred and odd Indian States into the Union raises many difficult questions. The most difficult of them is the one which relates to their admission into the Union. Every Indian State is claiming to be a Sovereign State and is demanding to be admitted into the Union in its own right. The Indian States fall into different classes from the view of size, population, revenue and resources. It is obvious that every State admitted into the Union as a State must have the capacity to bear the burden of modern administration to maintain peace within its own borders and to possess the resources necessary for the economic advancement of its people. Otherwise, the United States of India is likely to be encumbered with a large number of weak States which, instead of being a help to the Central Government, will be a burden upon it. The Union Government with such small and weak States as its units will never be able to pull its full weight in an emergency. It is therefore obvious that it would be a grave danger to the future safety of India if every Indian State were admitted into the Union without any scrutiny of its capacity to bear the burden of modern administration and maintaining internal peace. To avoid this danger, the Article proceeds to divide the Indian States into two classes: (1) Qualified Indian States and (2) Unqualified Indian States. It proposes that a list of Qualified Indian States should be drawn up as a first step in the procedure to be followed for the admission of the Indian States into the Union. A Qualified Indian State will be admitted into the Union on an application for admission and the fulfilment of the provisions of the Enabling Act which the Union Legislature is authorized to pass for the purpose of requiring an appropriate form of internal Government set up within the State which will be in consonance to the principles underlying the Constitution of the United States of India. The territory in the occupation of the Unqualified Indian States will be treated as the territory of the United States of India and will be reorganized into States of suitable sizes by the United States of India. In the meantime those who are rulers of the territory shall continue to administer the territory under the supervision of the United States of India. The Act also declares that the Indian territory whether in the occupation of British Indian Provinces or of the Indian States is one and integral and will be so even though an Indian State has not entered into the Union.

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Clause 4 provides that once a State is admitted into the Union, its integrity shall be maintained and it shall not be liable to sub-division except in accordance with the provisions contained in the clause.

ARTICLE I—Section II

Clauses 1 and 2

Clause 1 permits the United States of India to incorporate States which are independent but which are on the border and which desire to join the Union.

Clause 2 enables the United States of India to acquire territory and to incorporate it or to treat it as separate territory.

ARTICLE II—Section I

The inclusion of Fundamental Rights in the Constitution requires no justification. The necessity of Fundamental Rights is recognized in all Constitutions old and new. The Fundamental Rights included in the Article are borrowed from the Constitutions of various countries particularly from those wherein the conditions are more or less analogous to those existing in India.

ARTICLE II—Section II

Clause 1

Rights are real only if they are accompanied by remedies. It is no use giving rights if the aggrieved person has no legal remedy to which he can resort when his rights are invaded. Consequently when the Constitution guarantees rights it also becomes necessary to make provision to prevent the Legislature and the Executive from overriding them. This function has been usually assigned to the judiciary and the Courts have been made the special guardians of the rights guaranteed by the Constitution. The clause does no more than this. The clause proposes to give protection to the citizen against Executive tyranny by investing the Judiciary with certain powers of inquisition against the abuse of authority by the Executive. This power takes the form of issue of writs. The High Courts in India possess these powers under the Government of India and under their letters patent. These powers are however subject to two limitations. In the first place the powers given by the Letters Patent are available only to the High Courts in the Presidency Towns and not to all. Secondly these powers are subject to laws made by the Indian Legislature. Thirdly the powers given by the Government of India Act, 1935 are restricted and may prove insufficient for the protection of the aggrieved person. The clause achieves two objectives : (1) to give the fullest power to the Judiciary to issue what under the English Law are called Prerogative Writs and (2) to prevent the Legislature from curtailing these powers in any manner whatsoever.

Clause 2

It is difficult to expect that in a country like India where most persons are communally minded those in authority will give equal treatment to those

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who do not belong to their community. Unequal treatment has been the inescapable fate of the Untouchables in India. The following extract from the Proceedings of the Board of Revenue of the Government of Madras No. 723 dated 5th November, 1892. illustrates the sort of unequal treatment which is meted out to the Scheduled Castes by Hindu Officers. Says the report :

"134. There are forms of oppression only hitherto hinted at which must be at least cursorily mentioned. To punish disobedience of Pariahs, their masters—

(*a*) bring false cases in the village Court or in the criminal Courts;

(*b*) obtain, on application, from Government, waste lands lying all round the paracheri, so as to impound the Pariahs' cattle or obstruct the way to their temple;

(*c*) have mirasi names fraudulently entered in the Government account against the paracheri;

(*d*) pull down the huts and destroy the growth in the backyards;

(*e*) deny occupancy right in immemorial sub-tenancies;

(*f*) forcibly cut the Pariahs' crops, and on being resisted charge them with theft and rioting;

(*g*) under misrepresentations, get them to execute documents by which they are afterwards ruined;

(*h*) cut off the flow of water from their fields;

(*i*) without legal notice, have the property of sub-tenants attached for the landlords' arrears of revenue."

"135. It will be said there are civil and criminal Courts for the redress of any of these injuries. There are the Courts indeed; but India does not breed village Hampdens. One must have courage to go to the Courts; money to employ legal knowledge, and meet legal expenses; and means to live during the case and the appeals. Further most cases depend upon the decision of the first Court; and these Courts are presided over by officials who are sometimes corrupt and who generally for other reasons, sympathize with the wealthy and landed classes to which they belong.".

"136. The influence of these classes with the official world can hardly be exaggerated. It is extreme with natives and great even with Europeans. Every office, from the highest to the lowest, is stocked with their representatives, and there is no proposal affecting their interests but they can bring a score of influence to bear upon it in its course from inception to execution."

The Punjab Land Alienation Act is another illustration of unequal treatment of the Untouchables by the Legislature.

Many other minority communities may be suffering from similar treatment at the hands of the majority community. It is therefore necessary to have

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such a provision to ensure that all citizens shall have equal benefit of Laws, Rules and Regulations.

The provisions of Clause 2 are borrowed from Civil Rights Protection Act, 1866, and of March 1st, 1875 passed by the Congress of the United States of America to protect the Negroes against unequal treatment.

Clause 3

Discrimination is another menace which must be guarded against if the Fundamental Rights are to be real rights. In a country like India where it is possible for discrimination to be practised on a vast scale and in a relentless manner Fundamental Rights can have no meaning. The Remedy follows the lines adopted in the Bill which was recently introduced in the Congress of the U.S.A. the aim of which is to prevent discrimination being practised against the Negroes.

Clause 4

The main purpose behind the clause is to put an obligation on the State to plan the economic life of the people on lines which would lead to highest point of productivity without closing every avenue to private enterprise, and also provide for the equitable distribution of wealth. The plan set out in the clause proposes State ownership in agriculture with a collectivised method of cultivation and a modified form of State Socialism in the field of industry. It places squarely on the shoulders of the State the obligation to supply capital necessary for agriculture as well as for industry. Without the supply of capital by the State neither land nor industry can be made to yield better results. It also proposes to nationalize insurance with a double objective. Nationalized Insurance gives the individual greater security than a private Insurance Firm does inasmuch as it pledges the resources of the State as a security for the ultimate payment of his insurance money. It also gives the State the resources necessary for financing its economic planning in the absence of which it would have to resort to borrowing from the money market at a high rate of interest. State Socialism is essential for the rapid industrialization of India. Private enterprize cannot do it and if it did it would produce those inequalities of wealth which private capitalism has produced in Europe and which should be a warning to Indians. Consolidation of Holdings and Tenancy Legislation are worse than useless. They cannot bring about prosperity in agriculture. Neither Consolidation nor Tenancy Legislation can be of any help to the 60 millions of Untouchables who are just landless labourers. Neither Consolidation nor Tenancy Legislation can solve their problem. Only collective farms on the lines set out in the proposal can help them. There is no expropriation of the interests concerned. Consequently there ought to be no objection to the proposal on that account.

The plan has two special features. One is that it proposes State Socialism in important fields of economic life. The second special feature of the

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plan is that it does not leave the establishment of State Socialism to the will of the Legislature. It establishes State Socialism by the Law of the Constitution and thus makes it unalterable by any act of the Legislature and the Executive.

Students of Constitutional Law will at once raise a protest. They are sure to ask : Does not the proposal go beyond the scope of the usual type of Fundamental Rights ? My answer is that it does not. If it appears to go beyond it is only because the conception of Fundamental Rights on which such criticism is based is a narrow conception. One may go further and say that even from the narrow conception of the scope of the Constitutional Law as comprising no more than Fundamental Rights the proposal can find ample justification. For what is the purpose of prescribing by law the shape and form of the economic structure of society ? The purpose is to protect the liberty of the individual from invasion by other individuals which is the object of enacting Fundamental Rights. The connection between individual liberty and the shape and form of the economic structure of society may not be apparent to everyone. None the less the connection between the two is real. It will be apparent if the following considerations are borne in mind.

Political Democracy rests on four premises which may be set out in the following terms :

(i) The individual is an end in himself.

(ii) That the individual has certain inalienable rights which must be guaranteed to him by the Constitution.

(iii) That the individual shall not be required to relinquish any of his constitutional rights as a condition precedent to the receipt of a privilege.

(iv) That the State shall not delegate powers to private persons to govern others.

Anyone who studies the working of the system of social economy based on private enterprise and pursuit of personal gain will realize how it undermines, if it does not actually violate, the last two premises on which Democracy rests. How many have to relinquish their constitutional rights in order to gain their living ? How many have to subject themselves to be governed by private employers?

Ask those who are unemployed whether what are called Fundamental Rights are of any value to them. If a person who is unemployed is offered a choice between a job of some sort, with some sort of wages, with no fixed hours of labour and with an interdict on joining a union and the exercise of his right to freedom of speech, association, religion, etc., can there be any doubt as to what his choice will be. How can it be otherwise ? The fear of starvation, the fear of losing a house, the fear of losing savings if any, the fear of being compelled to take children away from school, the fear

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of having to be a burden on public charity, the fear of having to be burned or buried at public cost are factors too strong to permit a man to stand out for his Fundamental Rights. The unemployed are thus compelled to relinquish their Fundamental Rights for the sake of securing the privilege to work and to subsist.

What about those who are employed? Constitutional Lawyers assume that the enactment of Fundamental Rights is enough to safeguard their liberty and that nothing more is called for. They argue that where the State refrains from intervention in private affairs—economic and social—the residue is liberty. What is necessary is to make the residue as large as possible and State intervention as small as possible. It is true that where the State refrains from intervention what remains is liberty. But this does not dispose of the matter. One more question remains to be answered. To whom and for whom is this liberty ? Obviously this liberty is liberty to the landlords to increase rents, for capitalists to increase hours of work and reduce rate of wages. This must be so. It cannot be otherwise. For in an economic system employing armies of workers, producing goods *en masse* at regular intervals some one must make rules so that workers will work and the wheels of industry run on. If the State does not do it the private employer will. Life otherwise will become impossible. In other words what is called liberty from the control of the State is another name for the dictatorship of the private employer.

How to prevent such a thing happening ? How to protect the unemployed as well as the employed from being cheated out of their Fundamental Rights to life, liberty and pursuit of happiness ? The useful remedy adopted by Democratic countries is to *limit* the power of Government to impose arbitrary restraints in political domain and to *invoke* the ordinary power of the Legislature to restrain the more powerful individual from imposing arbitrary restraints on the less powerful in the economic field. The inadequacy may the futility of the plan has been well-established. The successful invocation by the less powerful of the authority of the Legislature is a doubtful proposition. Having regard to the fact that even under adult suffrage all Legislatures and Governments are controlled by the more powerful an appeal to the Legislature to intervene is a very precarious safeguard against the invasion of the liberty of the less powerful. The plan follows quite a different method. It seeks to limit not only the power of Government to impose arbitrary restraints but also of the more powerful individuals or to be more precise to eliminate the possibility of the more powerful having the power to impose arbitrary restraints on the less powerful by withdrawing from the control he has over the economic life of people. There cannot be slightest doubt that of the two remedies against the invasion by the more powerful of the rights and liberties of the less powerful the one contained in the proposal is undoubtedly the more effective. Considered

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in the light of these observations the proposal is essentially a proposal for safeguarding the liberty of the individual. No Constitutional Lawyer can therefore object to it on the ground that it goes beyond the usual scope of Constitutional Law.

So far as the plan has been considered purely as a means of safeguarding individual liberty. But there is also another aspect of the plan which is worthy of note. It is an attempt to establish State Socialism without abrogating Parliamentary Democracy and without leaving its establishment to the will of a Parliamentary Democracy. Critics of State Socialism even its friends are bound to ask why make it a part of the Constitutional Law of the land? Why not leave it to the Legislature to bring it into being by the ordinary process of Law. The reason why it cannot be left to the ordinary Law is not difficult to understand. One essential condition for the success of a planned economy is that it must not be liable to suspension or abadonment. It must be permanent. The question is how this permanence can be secured. Obviously it cannot be secured under the form of Government called Parliamentary Democracy under the system of Parliamentary Democracy, the policy of the Legislature and of the Executive is the policy of the majority for the time being. Under the system of Parliamentary Democracy the majority in one election may be in favour of State Socialism in Industry and in Agriculture. At the next election the majority may be against it. The anti-State Socialism majority will use its Law-making power to undoing the work of the pro-State Socialism majority and the pro-State Socialism majority will use its Law-making power to doing over again what has been undone by their opponents. Those who want the economic structure of society to be modelled on State Socialism must realize that they cannot leave the fulfilment of so fundamental a purpose to the exigencies of ordinary Law which simple majorities—whose political fortunes are never determined by rational causes—have a right to make and unmake. For these reasons Political Democracy seems to be unsuited for the purpose.

What is the alternative ? The alternative is Dictatorship. There is no doubt that Dictatorship can give the permanence which State Socialism requires as an essential condition for its fructification. There is however one fact against Dictatorship which must be faced. Those who believe in individual freedom strongly object to Dictatorship and insists upon Parliamentary Democracy as a proper form of Government for a Free Society. For they feel that freedom of the individual is possible only under Parliamentary Democracy and not under Dictatorship. Consequently those who want freedom are not prepared to give up Parliamentary Democracy as a form of Government. However, much they may be anxious to have State Socialism they will not be ready to exchange Parliamentary Democracy for Dictatorship eventhough the gain by such an exchange is the achievement of State Socialism. The problem therefore is to have State Socialism

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without Dictatorship, to have State Socialism with Parliamentary Democracy. The way out seems to be to retain Parliamentary Democracy and to prescribe State Socialism by the Law of the Constitution so that it will be beyond the reach of a Parliamentary majority to suspend, amend or abrogate it. It is only by this that one can achieve the triple object, namely, to establish socialism, retain Parliamentary Democracy and avoid Dictatorship.

The proposal marks a departure from the existing Constitutions whose aim is merely to prescribe the form of the political structure of society leaving the economic structure untouched. The result is that the political structure is completely set at naught by the forces which emerge from the economic structure which is at variance with the political structure. Those who want socialism with Parliamentary Democracy and without Dictatorship should welcome the proposal.

The soul of Democracy is the doctrine of one man, one value. Unfortunately, Democracy has attempted to give effect to this doctrine only so far as the political structure is concerned by adopting the rule of one man, one vote which is supposed to translate into fact the doctrine of one man, one value. It has left the economic structure to take the shape given to it by those who are in a position to mould it. This has happened because Constitutional Laywers have been dominated by the antiquated conception that all that is necessary for a perfect Constitution for Democracy was to frame a Constitutional Law which would make Government responsible to the people and to prevent tyranny of the people by the Government. Consequently, almost all Laws of Constitution which relate to countries which are called Democratic stop with Adult Suffrage and Fundamental Right. They have never advanced to the conception that the Constitutional Law of Democracy must go beyond Adult Suffrage and Fundamental Rights. In other words, old time Constitutional Lawyers believed that the scope and function of Constitutional Law was to prescribe the shape and form of the political structure of society. They never realized that it was equally essential to prescribe the shape and form of the economic structure of society, if Democracy is to live up to its principle of one man, one value. Time has come to take a bold step and define both the economic structure as well as the political structure of society by the Law of the Constitution. All countries like India which are late-comers in the field of Constitution-making should not copy the faults of other countries. They should profit by the experience of their predecessors.

ARTICLE II—Section III

Clause 1

In the Government of India Acts of 1919 and 1935 the model that was adopted for framing the structure of the Executive in the Provinces and

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in the Centre was of the British type or what is called by Constitutional Lawyers Parliamentary Executive as opposed to the American type of Executive which in contradistinction of the British type is called Non-Parliamentary Executive. The question is whether the pattern for the Executive adopted in the two Acts should be retained or whether it should be abandoned and if so what model should be adopted in its place. Before giving final opinion on this issue it would be desirable to set out the special features of the British type of the Executive and the consequences that are likely to follow if it was applied to India.

The following may be taken to be the special features of British or the Parliamentary Executive :

(1) It gives a party which has secured a majority in the Legislature the right to form a Government.

(2) It gives the majority party the right to exclude from Government persons who do not belong to the Party.

(3) The Government so formed continues in office only so long as it can command a majority in the Legislature. If it ceases to command a majority it is bound to resign either in favour of another Government formed out of the existing Legislature or in favour of a new Government formed out of a newly elected Legislature.

As to the consequences that would follow if the British System was applied to India the situation can be summed up in the following proposition :

(1) The British System of Government by a Cabinet of the majority party rests on the premise that the majority is a political majority. In India the majority is a communal majority. No matter what social and political programme it may have the majority will retain its character of being a communal majority. Nothing can alter this fact. Given this fact it is clear that if the British System was copied it would result in permanently vesting Executive power in a Communal majority.

(2) The British System of Government imposes no obligation upon the Majority Party to include in its cabinet the representatives of Minority Party. If applied to India the consequence will be obvious. It would make the majority community a governing class and the minority community a subject race. It would mean that a communal majority will be free to run the administration according to its own ideas of what is good for the minorities. Such a state of affairs could not be called democracy. It will have to be called imperialism.

In the light of these consequences it is obvious that the introduction of British type of the Executive will be full of menace to the life, liberty and pursuit of happiness of the minorities in general and of the Untouchables in particular.

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The problem of the Untouchables is a formidable one for the Untouchables to face. The Untouchables are surrounded by a vast mass of Hindu population which is hostile to them and which is not ashamed of committing any inequity or atrocity against them. For a redress of these wrongs which are matters of daily occurrence, the Untouchables have to call in the aid of the administration. What is the character and composition of this administration ? To be brief, the administration in India is completely in the bauds of the Hindus. It is their monopoly. From top to bottom it is controlled by them. There is no Department which is not dominated by them. They dominate the Police, the Magistracy and the Revenue Services, indeed any and every branch of the administration. The next point to remember is that the Hindus in the administration have the same positive anti-social and inimical attitude to the Untouchables which the Hindus outside the administration have. Their one aim is to discriminate against the Untouchables and to deny and deprive them not only of the benefits of Law, but also of the protection of the Law against tyranny and oppression. The result is that the Untouchables are placed between the Hindu population and the Hindu-ridden administration, the one committing wrong against them and the other protecting the wrong-doer, instead of helping the victims.

Against this background, what can Swaraj mean to the Untouchables ? It can only mean one thing, namely, that while today it is only the administration that is in the hands of the Hindus, under Swaraj the Legislature and Executive will also be in the hands of the Hindus. It goes without, saying that such a Swaraj would aggravate the sufferings of the Untouchables. For, in addition to an hostile administration, there will be an indifferent Legislature and a callous Executive. The result will be that the administration unbridled in venom and in harshness, uncontrolled by the Legislature and the Executive, may pursue its policy of inequity towards the Untouchables without any curb. To put it differently, under Swaraj the Untouchables will have no way of escape from the destiny of degradation which Hindus and Hinduism have fixed for them.

These are special considerations against the introduction of the British System of Executive which have their origin in the interests of the minorities and the Scheduled Castes. But there is one general consideration which can be urged against the introduction of the British Cabinet System in India. The British Cabinet System has undoubtedly given the British people a very stable system of Government. Question is will it produce a stable Government in India ? The chances are very slender. In view of the clashes of castes and creeds there is bound to be a plethora of parties and groups in the Legislature in India. If this happens it is possible, nay certain, that under the system of Parliamentary Executive like the one that prevails in England under which the Executive is bound to resign upon an

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adverse vote in the Legislature, India may suffer from instability of the Executive. For it is the easiest thing for groups to align and realign themselves at frequent intervals and for petty purposes and bring about the downfall of Government. The present solidarity of what are called the Major Parties cannot be expected to continue. Indeed as soon as the Problem of the British in India is solved the cement that holds these parties together will fall away. Constant overthrow of Government is nothing short of anarchy. The present Constitution has in it Section 93 which provides a remedy against it. But Section 93 would be out of place in the Constitution of a free India, Some substitute must therefore be found for Section 93.

Taking all these considerations together there is no doubt that the British type of the Executive is entirely unsuited to India.

The form of the Executive proposed in the clause is intended to serve the following purposes :

(i) To prevent the majority from forming a Government without giving any opportunity to the minorities to have a say in the matter.

(ii) To prevent the majority from having exclusive control over administration and thereby make the tyranny of the minority by the majority possible.

(iii) To prevent the inclusion by the Majority Party in the Executive representatives of the minorities who have no confidence of the minorities.

(iv) To provide a stable Executive necessary for good and efficient administration.

The clause takes the American form of Executive as a model and adapts it to Indian conditions especially to the requirements of minorities. The form of the Executive suggested in the proposal cannot be objected to on the ground that it is against the principle of responsible government. Indians who are used to the English form of Executive forget that this is not the only form of democratic and responsible Government. The American form of Executive is an equally good type of democratic and responsible form of Government. There is also nothing objectionable in the proposal that a person should not be qualified to become a Minister merely because he is elected to the Legislature. The principle that a member of the Legislature before he is made a Minister should be chosen by his constituents was fully recognized by the British Constitution for over hundred years. A member of Parliament who was appointed a Minister had to submit himself for election before taking up his appointment. It was only lately given up. There ought therefore to be no objection to it on the ground that the proposals are not compatible with responsible Governments. The actual proposal is an improved edition of the American form of Government, for the reason that under it members of the Executive can sit in the Legislature and have a right to speak and answer questions.

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Clause 2

The proposal cannot be controversial. The best remedy against tyranny and oppression by a majority against the minority is inquiry, publicity and discussion. This is what the safeguard provides for. A similar proposal was also recommended by the Sapru Committee.

Clause 3

Social boycott is always held over the heads of the Untouchables by the Caste Hindus as a sword of Democles. Only the Untouchables know what a terrible weapon it is in the hands of the Hindus. Its effects and forms are well described in the Report made by a Committee appointed by the Government of Bombay in 1928 to investigate the grievances of the Depressed Classes and from which the following extracts are made. It illuminates the situation in a manner so simple that everybody can understand what tyranny the Hindus are able to practise upon the Untouchables. The Committee said:

> "Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the orthodox classes. It must be noted that the Depressed Classes form a small minority in every village, oppose to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Depressed Classes at any cost. The danger of prosecution by the Police has put a limitation upon the use of violence by the orthodox classes and consequently such cases are rare.
>
> The second difficulty arises from the economic position in which the Depressed Classes are found today. The Depressed Classes have no economic independence in most parts of the Presidency. Some cultivate the lands of the orthodox classes as their tenants at will. Others live on their earnings as farm labourers employed by the orthodox classes and the rest subsist on the food or grain given to them by the orthodox classes in lieu of service rendered to them as village servants. We have heard of numerous instances where the orthodox classes have used their economic power as a weapon against those Depressed Classes in their villages, when the latter have dared to exercise their rights, and have evicted them from their land, and stopped their employment and discontinued their remuneration as village servants. This boycott is often planned on such an extensive scale as to include the prevention of the Depressed Classes from using the commonly used paths and the stoppage of sale of the necessaries of life by the village Bania. According to the evidence,

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sometimes small causes suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to use the common well, but cases have been by no mean rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with a bridegroom on the horse through the public street".

This was said in 1928. Lest it should be regarded as a phase which has now ended I reproduce below a copy of a petition by the Untouchables of the village Kheri Jessore in the Punjab addressed to the Deputy Commissioner of the Rohtak District in February 1947 and a copy of which was sent to me. It reads as follows :

"From

The Scheduled Caste People (Chamars),

Village Kheri Jessore, Tehsil and District Rohtak.

To

The Deputy Commissioner,

Rohtak District, Rohtak.

Sir,

We, the following Scheduled Caste (Chamars) of the Village Kheri Jessore, beg to invite your kind attention to the hard plight, we are put to, due to the undue pressure and merciless treatment by the Caste Hindu Jats of this village.

It was about four months back that the Jats of the village assembled in the Chopal and told us to work in the fields on a wage in kind of one bundle of crops, containing only about one seer of grains per day per man instead of food at both times and a load of crops, and annas 8 in addition which we used to get before above announcement was made. As it was too little and insufficient to meet both ends, we refused to go to work. At this they were enraged and declared a Social Boycott on us. They made a rule that our cattle would not be allowed to graze in the jungle unless we would agree to pay a tax not leviable under Government for the animals, which they call as "Poochhi" They even do not allow our cattle to drink water in the village pool and have prevented the sweepers from cleaning the streets where we live so that heaps of dust and dirt are lying there which may cause some disease if left unattended to. We are forced to lead a shameful life and they are always ready to beat us and to tear down our honour by behaving indecently towards our wives, sisters and daughters. We are experiencing a lot of trouble of the worst type. While going to the

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school, the children were even beaten severely and in a merciless manner.

We submitted an application detailing the above facts to yourself but we are sorry that no action has been taken as yet.

It is also for your kind consideration that the Inspector of Police and Tehsildar of Rohtak, whom we approached in this connection, made a careless investigation and in our opinion, no attention was paid to redress the difficulties of the poor and innocent persons.

We, therefore, request your good self to consider over the matter and make some arrangement to stop the merciless treatment and threats which the Jats give us in different ways. We have no other approach except to knock at your kind door and hope your honour will take immediate steps to enable us to lead an honourable and peaceful life which is humanity's birth-right.

We beg to remain,
Sir,
Your most obedient servants,
Scheduled Caste People
(Chamars),
of Village Kheri Jessore,
Tehsil and District Rohtak.
Thumb Impressions.

* * * * *

Copy forwarded to the Hon'ble Dr. B. R. Ambedkar,

Western Court, New Delhi.

Received on 1st February 1947."

This shows that what was true in 1928 is true even today. What is true of Bombay is true of the whole of India. For evidence of the general use of boycott by the Hindus against the Untouchables one has only to refer to the events that occurred all over India in the last elections to the Provincial Legislatures. Only when boycott is made criminal will the Untouchables be free from being the slaves of the Hindus.

The weapon of boycott is nowadays used against other communities besides the Scheduled Castes. It is therefore in the interests of all minor communities to have this protection.

The provisions relating to boycott are taken bodily from the Burma Anti-Boycott Act, 1922.

Clause 4

Such a provision already exists in Section 150 of the Government of India Act, 1935.

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ARTICLE II—Section IV

PART I—Clause I

There is nothing new in this clause. The right to representation in the Legislature is conceded by the Poona Pact. The only points that require to be reconsidered relate to (1) Quantum of Representation, (2) Weightage and (3) The System of Electorates.

(1) *Quantum*

The quantum of representation allowed to the Scheduled Castes by the Poona Pact is set out in Clause I of the Pact. The proportion set out in the Pact was fixed out of the balance of seats which remained after (i) the share of the other communities had been taken out; (ii) after weightage to other communities had been allotted, and (iii) after seats had been allocated to special interests. This allotment of seats to the Scheduled Castes has resulted in great injustice. The loss due to seats taken out as weightage and seats given to special interests ought not to have been thrown upon the Scheduled Castes. The allotment of those seats had already been made by the Communal Award long before the Poona Pact. It was therefore not possible then to rectify this injustice.

(2) *Weightage*

There is another injustice from which the Scheduled Castes have been suffering. It relates to their right to a share in weightage.

As one can see the right to weightage has become a matter of double controversy. One controversy is between the majority and the minorities, the other is a matter of controversy between the different minorities.

The first controversy relates to the principle of weightage. The majority insists that the minority has no right to representation in excess of the ratio of its population to the total population. Why this rule is insisted upon by the majority it is difficult to understand. Is it because the majority wants to establish its own claim to population ratio so that it may always remain as a majority and act as a majority ? Or is it because of the fact that a minority no matter how much weightage was given to it must remain a minority and cannot alter the fact that the majority will always be able to impose its will upon it. The first ground leads to a complete negation of the basic conception of majority rule which if rightly understood means nothing more than a decision of the majority to which the minority has reconciled itself. This cannot be the intention of the majority. One must put a more charitable construction and assume that the argument on which the contention of the majority rests is the second and not the first. That a minority even with weightage will remain a minority has to be accepted in view of the insistence of a Communal Majority to remain a majority

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and to claim the privileges of a political majority which it is not. But surely there is a difference between a defeat which is a complete rout and a defeat which is almost victory though not a victory. Cricketers know what difference there is between the defeat of a team by a few runs, a defeat by a few wickets and a defeat by one whole innings. The defeat by one whole innings is a complete frustration which a defeat by a few runs is not. Such a frustration when it comes about in the political life of a minority depresses and demoralizes and crushes the spirit of the minority. This must be avoided at any price. Looked at from this point of view there is no doubt that the rule of population—ratio—representation insisted upon by the majority is wrong. What a minority needs is not more representation but effective representation.

And what is effective representation? Obviously the effectiveness of representation depends upon its being large enough to give the minority the sense of not being entirely overwhelmed by the majority. Representation according to population to a minority or to the minorities combined may be effective by reason of the fact that the population of a minority where there is only one or of the combined minorities where there are many is large enough to secure effective minority representation. But there may be cases where the population of a minority or of the minorities combined is too small to secure such effective representation if the population ratio of a minority is taken as an inflexible standard to determine its quantum of representation. To insist upon such a standard is to make mockery of the protection to the minority which is the purpose behind the right to representation which is accepted as the legitimate claim of a minority. In such cases weightage which is another name for deduction from the quantum of representation which is due to the majority on the basis of its population becomes essential and the majority if it wishes to be fair and honest must concede it. There can therefore be no quarrel over the principle of weightage. On this footing the controversy becomes restricted to the question, how is the magnitude of weightage to be determined ? This obviously is a question of adjustment and not of principle.

There can therefore be no manner of objection to the principle of weightage. The demand for weightage is however a general demand of all the minorities and the Scheduled Castes must join them in it where the majority is too big. What is however wrong with the existing weightage is unequal distribution among the various minorities. At present, some minorities have secured a lion's share and some like the Untouchables have none. This wrong must be rectified by a distribution of the weightage on some intelligible principles.

(3) *Electorates*

1. The method of election to the seals allotted to the Scheduled Castes is set out in clauses (2) to (4) of the Poona Pact. It provides for two

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elections : (1) Primary election and (2) Final election. The Primary election is by a separate electorate of the Scheduled Castes. It is only a qualifying election and determines who is entitled to stand in the Final election on behalf of the Scheduled Castes for the seats reserved to them. The Final election is by a joint electorate in which both caste Hindus and the Scheduled Castes can vote and the final result is determined by their joint vote.

2. Clause 5 of the Poona Pact has limited the system of Primary election to ten years which means that any election taking place after 1947 will be by a system of joint electorates and reserved seats pure and simple.

3. Even if the Hindus agreed to extend the system of double election for a further period it will not satisfy the Scheduled Castes. There are two objections to the retention of the Primary election. Firstly, it does not help the Scheduled Castes to elect a man who is their best choice. As will be seen from Appendix III, the Scheduled Caste candidate who tops the poll in the Primary election fails to succeed in the Final election and the Scheduled Caste candidate who fails in the Primary election tops the poll in the Final election. Secondly, the Primary election is for the most part a fiction and not a fact. In the last election, out of 151 seats reserved for the Scheduled Castes there were Primary elections only in 43. This is because it is impossible for the Scheduled Castes to bear the expenses of two elections—Primary and Final. To retain such a system is worse than useless.

4. Things will be much worse under the system of joint electorates and reserved seats which will hereafter become operative under the terms of the Poona Pact. This is no mere speculation. The last election has conclusively proved that the Scheduled Castes can be completely disfranchised in a joint electorate. As will be seen from the figures given in Appendix III, the Scheduled Caste candidates have not only been elected by Hindu votes when the intention was that they should be elected by Scheduled Caste votes but what is more the Hindus have elected those Scheduled Caste candidates who had failed in the Primary election. This is a complete disfranchisement of the Scheduled Castes. The main reason is to be found in the enormous disparity between the voting strength of the Scheduled Castes and the caste Hindus in most of the constituencies as may be seen from figures given in Appendix III. As the Simon Commission has observed, the device of the reserved seats ceases to be workable where the protected community constitutes an exceedingly small fraction of any manageable constituency. This is exactly the case of the Scheduled Castes. This disparity cannot be ignored. It will remain even under adult suffrage. That being the case, a fool-proof and a knave-proof method must be found to ensure real representation to the Scheduled Castes. Such a method must involve the abolition of—

(i) the Primary election as a needless and heavy encumbrance; and

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(ii) the substitution of separate electorates.

5. One of the issues which has embittered the relations between the Hindus and the Scheduled Castes in the political field is the issue of electorate. The Scheduled Castes are insisting upon separate electorates. The Hindus are equally insistent on opposing the demand. To arrive at a settlement on this issue—without which there can be no peace and amity between the Hindus and the Scheduled Castes—it is necessary to determine who is right and who is wrong and whether the opposition is based on rational grounds or is based on mere prejudice.

6. The grounds which are generally urged against the demand of the Scheduled Castes for separate electorates are :

(i) that the Scheduled Castes are not a minority;

(ii) that the Scheduled Castes are Hindus and therefore they cannot have separate electorates;

(iii) that separate electorates will perpetuate untouchability;

(iv) that separate electorates are anti-national; and

(v) that separate electorates enables British Imperialism to influence the communities having separate electorates to act against the interests of the country.

7. Are these arguments valid ?

(i) To say that the Scheduled Castes are not a minority is to misunderstand the meaning of the word 'minority'. Separation in religion is not the only test of a minority. Nor is it a good and efficient test. Social discrimination constitutes the real test for determining whether a social group is or is not a minority. Even Mr. Gandhi thought it logical and practical to adopt this test in preference to that of religious separation. Following this test, Mr. Gandhi in an editorial under the heading. 'The Fiction of Majority' in the *Harijan* dated 21st October 1939 has given his opinion that the Scheduled Castes are the only real minority in India.

(ii) To argue that the Scheduled Castes are Hindus and therefore cannot demand separate electorates is to put the same argument in a different form. To make religious affiliation the determining factor for constitutional safeguards is to overlook the fact that the religious affiliation may be accompanied by an intense degree of social separation and discrimination. The belief that separate electorates go with separation in religion arises from the fact that those minorities who have been given separate electorates happen to be religious minorities. This, however, is not correct. Muslims are given separate electorates not because they are different from Hindus in point of religion. They are given separate electorates because—and this is the fundamental fact—the social relations between the Hindus and the

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Musalmans are marked by social discrimination. To put the point in a somewhat different manner, the nature of the electorates is determined not by reference to religion but by reference to social considerations. That it is social considerations and not religious affiliation or disaffiliation which is accepted as the basis of determining the nature of the electorates is best illustrated by the arrangements made under the Government of India Act (1935) for the Christian community in India. The Christian community is divided into three sections—Europeans, Anglo-Indians and Indian Christians. In spite of the fact that they all belong to the same religion, each section has a separate electorate. This shows that what is decisive is not religious affiliation but social separation.

(iii) To urge that separate electorates prevent solidarity between the Untouchables and the Caste Hindus is the result of confused thinking. Elections take place once in five years. Assuming there were joint electorates, it is difficult to understand how social solidarity between the Hindus and the Untouchables can be promoted by their devoting one day for voting together when out of the rest of the five years they are leading severally separate lives ? Similarly, assuming that there were separate electorates it is difficult to understand how one day devoted to separate voting in the course of five years can make for greater separation than what already exist ? Or contrarywise, how can one day in five years devoted to separate voting prevent those who wish to work for their union from carrying out heir purposes. To make it concrete, how can separate electorate for the Untouchables prevent inter-marriage or inter-dining being introduced between them and the Hindus ? It is therefore futile to say that separate electorates for the Untouchables will perpetuate separation between them and the Hindus.

(iv) To insist that separate electorates create anti-national spirit is contrary to experience. The Sikh have separate electorates. But no one can say that the Sikhs are anti-national. The Muslims have had separate electorates right from 1909. Mr. Jinnah had been elected by separate electorates. Yet, Mr. Jinnah was the apostle of Indian Nationalism up to 1935. The Indian Christians have separate electorates. Nonetheless a good lot of them have shown their partiality to the Congress if they have not been actually returned on the Congress ticket. Obviously, nationalism and anti-nationalism have nothing to do with the electoral system. They are the result of extra electoral forces.

(v) This argument has no force. It is nothing but escapism. Be that as it may, with free India any objection to separate electorates on such a ground must vanish.

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8. The reason why the arguments advanced by the opponents of separate electorates do not stand the scrutiny of logic and experience is due entirely to the fact that their approach to the subject is fundamentally wrong. It is wrong in two respects :

(i) They fail to realize that the system of electorates has nothing to do with the religious nexus or communal nexus. It is nothing but a mechanism to enable a minority to return its true representative to the Legislature. Being a mechanism for the protection of a minority it follows that whether the electorate should be joint or separate must be left to be determined by the minority.

(ii) They fail to make any distinction between the demand for separate electorates by a majority community and a similar demand made by a minority community. A majority community has no right to demand separate electorates. The reason is simple. A right by a majority community to demand separate electorates is tantamount to a right to establish the Government of the majority community over the minority community without the consent of the minority. This is contrary to the well-established doctrine of democracy that government must be with the consent of the governed. No such evil consequence follows from the opposite principle namely that a minority community is entitled to determine the nature of the electorates suited to its interests, because there is no possibility of the minority being placed in a position to govern the majority.

9. A correct attitude towards the whole question rests on the following axioms :

(i) The system of electorates being a devise for the protection of the minority, the issue whether the electoral system should be the joint electorate or separate electorate must be left to the wishes of the minority. If it is large enough to influence the majority it will choose joint electorates. If it is too small for the purpose, it will prefer separate electorates for fear of being submerged.

(ii) The majority, being in a position to rule can have no voice in the determination of the system of electorates. If the minority wants joint electorates, the majority must submit itself to joint electorates. If the minority decides to have separate electorates for itself the majority cannot refuse to grant them. In other words, the majority must look to the decision of the minority and abide by it.

PART I—Clause 2

This demand may appear to be outside the Poona Pact in as much as the Poona Pact made no provision for it. This would not be correct. As a matter of fact, if no provision was made, it was because there was no need to make such a provision. This was due to two reasons : *Firstly,* it

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was due to the fact that at the time when the Poona Pact was made no community was guaranteed by Law a specific quantum of representation in Executive, *Secondly,* the representation of the communities in the Executive was left to a convention which the Governor by his instrument of instructions was required to see observed. Experience has shown that the quantum of representation of the Scheduled Castes in the Executive should now be fixed.

PART I—Clause 3

This is not a new demand. Clause 8 of the Poona Pact guarantees to the Scheduled Castes fair representation in Public Services. It does not, however, define the quantum of representation. The demand has been admitted by the Government of India as legitimate and even the quantum of representation has been defined. All that remains is to give it a statutory basis.

PART II—Clause 1

This is not a new demand. Clause 9 of Poona Pact guarantees that an adequate sum shall be earmarked for the education of the Scheduled Castes. It does not define the quantum. All that the demand does is to define the quantum of liability the State should take. In this connection reference may be made to Section 83 of the Government of India Act, 1935, which relates to the education of the Anglo-Indians and Europeans and to the grants made to the Aligarh and Benaras Hindu Universities by the Central Government.

PART II—Clause 2

This a new demand but is justified by circumstances. At present, the Hindus live in the village and the Untouchables live in the Ghettoes. The object is to free the Untouchables from the thraldom of the Hindus. So long as the present arrangement continues it is impossible for the Untouchables either to free themselves from the yoke of the Hindus or to get rid of their Untouchability. It is the close knit association of the Untouchables with the Hindus living in the same villages which marks them out as Untouchables and which enables the Hindus to identify them as being Untouchables. India is admittedly a land of villages and so long as the village system provides an easy method of marking out and identifying the Untouchables, the Untouchable has no escape from Untouchability. It is the system of the Village plus the Ghetto which perpetuates Untouchability and the Untouchables therefore demand that the nexus should be broken and the Untouchables who are as a matter of fact socially separate should be made separate geographically and territorially also, and be settled into separate villages exclusively of Untouchables in which the distinction of the high and the low and of Touchable and Untouchable will find no place.

The second reason for demanding separate settlements arises out of the economic position of the Untouchables in the villages. That their condition is most pitiable no one will deny. They are a body of landless labourers

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who are entirely dependent upon such employment as the Hindus may choose to give them and on such wages as the Hindus may find it profitable to pay. In the villages in which they five they cannot engage in any trade or occupation, for owing to Untouchability no Hindu will deal with them. It is therefore obvious that there is no way of earning a living which is open to the Untouchables so long as they live in a Ghetto as a dependent part of the Hindu village.

This economic dependence has also other consequences besides the condition of poverty and degradation which proceeds from it. The Hindu has a Code of life, which is part of his religion. This Code of life gives him many privileges and heaps upon the Untouchable many indignities which are incompatible with the dignity and sanctity of human life. The Untouchables all over India are fighting against the indignities and injustices which the Hindus in the name of their religion have heaped upon them. A perpetual war is going on every day in every village between the Hindus and the Untouchables. It does not see the light of the day. The Hindu Press is not prepared to give it publicity lest it should injure the cause of their freedom in the eyes of the world. The existence of a grim struggle between the Touchables and the Untouchables is however a fact. Under the village system the Untouchables has found himself greatly handicapped in his struggle for free and honourable life. It is a contest between the Hindus who are economically and socially strong and the Untouchables who are economically poor and numerically small. That the Hindus most often succeed in suppressing the Untouchables is due to many causes. The Hindus have the Police and the Magistracy on their side. In a quarrel between the Untouchables and the Hindus the Untouchables will never get protection from the Police and justice from the Magistrate. The Police and the Magistracy naturally love their class more than their duty. But the chief weapon in the armoury of the Hindus is economic power which they possess over the poor Untouchables living in the village. The proposal may be dubbed escapism. But the only alternative is perpetual slavery.

PART III—Clause 1

No country which has the problem of Communal majority and Communal minority is without some kind of an arrangement whereby they agree to share political power. South Africa has such an understanding. So has Canada. The arrangement for sharing political power between the English and the French in Canada is carried to the minutes office. In referring to this fact Mr. Porritt in his book on the *Evolution of the Dominion of Canada* says :

> "Conditions at Ottawa, partly due to race and language, and partly to long-prevailing ideas as to the distribution of all government patronage, have militated against the Westminster precedent of continuing a member in the chair for two or three parliaments, regardless of the fortunes of political parties at general elections. There is a new speaker at Ottawa

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for each new House of Commons; and it has long been a custom that when one political party continues in power for two or three parliaments, if the speaker in one parliament is of British extraction the next one shall be a French-Canadian.

"It is a rule also that the offices of speaker and of deputy speaker can at no time be held by men of the same race. If the speaker is a French-Canadian, the deputy speaker, who is also Chairman of committees, must be an English-speaking Canadian ; for the rule of the House is that the member elected to serve as deputy speaker shall be required to possess the full and practical knowledge of the language which is not that of the speaker for the time being.

The clerkship and the assistant clerkship of the House, and the offices of sergeant-at-arms and deputy sergeant-at-arms—all appointive as distinct from elective offices—are, by usage, also similarly divided between the two races.

Nearly all the offices, important and unimportant, connected with parliament, with the Senate as well as with the House, are distributed in accordance with these rules or usages. A roll call of the staffs of the two Houses, including even the boys in knicker-bockers who act as pages, would contain the names of almost as many French-Canadians as Canadians of British ancestry.

The rules and usages by virtue of which this distribution of offices is made are older than Confederation. They date back to the early years of the United Provinces, when Quebec and Ontario elected exactly the same number of members to the Legislature, and when these were the only provinces in the union.

Quebec today elects only 65 of the 234 members of the House of Commons. Its population is not one-fourth of the population of the Dominion. Its contribution to Dominion revenues does not exceed one-sixth. But an equal division of the offices of the House of Commons is regarded by Quebec as necessary to the preservation of its rights and privileges ; and so long as each political party, when it is in power, is dependent on support from French-Canada, it will be nearly as difficult to ignore the claim of Quebec to these parliamentary honours and offices as it would be to repeal the clause in the British North America Act that safeguards the separate schools system.".

Unfortunately for the minorities in India, Indian Nationalism has developed a new doctrine which may be called the Divine Right of the Majority to rule the minorities according to the wishes of the majority. Any claim for the sharing of power by the minority is called communalism while the monopolizing of the whole power by the majority is called Nationalism. Guided by such a political philosophy the majority is not prepared to

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allow the minorities to share political power nor is it willing to respect any convention made in that behalf as is evident from their repudiation of the obligation (to include representatives of the minorities in the cabinet) contained in the Instrument of Instructions issued to the Governors in the Government of India Act of 1935. Under these circumstances there is no way left but to have the rights of the Scheduled Castes embodied in the Constitution.

PART III—Clause 2

This is not a new demand. It replaces Clause 6 of the Poona Pact which provides that the system of representation for the Scheduled Castes by reserved seats shall continue until determined by mutual consent between the communities concerned in the settlement. Since there is no safe method of ascertaining the will of the Scheduled Castes as to how to amend and alter the safeguards provided for them it is necessary to formulate a plan which will take the place of Clause 6 of the Pact. Provisions having similar objectives to those contained in the proposal exist in the Constitution of Australia, America and South Africa.

In dealing with a matter of this sort two considerations have to be borne in mind. One is that it is not desirable to rule out the possibility of a change in the safeguards being made in the future by the parties concerned. On the other hand it is by no means desirable to incessant struggle over their revision. If the new Union and State Legislatures are to address themselves successfully to their responsibilities set out in the preamble it is desirable that they should not be distracted by the acute contentions between religions and classes which questions of change in the safeguards are bound to raise. Hence a period of twenty-five years has been laid down before any change could be considered.

PART IV

The object of this prevision is to see that whatever safeguards are provided for the Scheduled Castes in British India are also provided for the Scheduled Castes in the Indian States. The provision lays down that an Indian State seeking admission to the Union shall have to satisfy that its Constitution contains these safeguards.

PART V—Interpretation

Whether the Scheduled Castes are a minority or not has become a matter of controversy. The purpose of First Provision to set this controversy at rest. The Scheduled Castes are in a worst position as compared to any other minority in India. As such they required and deserve much more protection than any other minority does. The least one can do is to treat them as a minority.

The purpose of Second Provision is to remove the provincial bar. There is no reason why a person who belongs to Scheduled Castes in one Province should lose the benefit of political privileges given by the Constitution merely because he happens to change his domicile.

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Appendix II

TEXT OF THE POONA PACT

(1) There shall be seats reserved for the Depressed Classes out of the general electorates seats in the Provincial Legislatures as follows :

Madras	..	..	..	30
Bombay with Sind	..	..	..	15
Punjab	..	..	..	8
Bihar and Orissa	..	..	..	18
Central Provinces	..	..	..	20
Assam	..	..	..	7
Bengal	..	..	..	30
United Provinces	..	..	..	20
			Total	148

These figures are based on total strength of the Provincial councils announced in the Prime Minister's decision.

(2) Election to these seats shall be by joint electorates, subject however, to the following procedure :

> All the members of the Depressed Classes registered in the general electoral roll in a constituency will form an electoral college, which will elect a panel of four candidates belonging to the Depressed Classes for each of such reserved seats, by the method of the single vote ; the four getting the highest number of votes in such Primary election, shall be candidates for election by the general electorate.

(3) Representation of the Depressed Classes in the Central Legislature shall likewise be on the principle of joint electorates and reserved seats by the method of Primary election in the manner provided for in clause (2) above, for their representation in the Provincial Legislatures.

(4) In the Central Legislature, eighteen per cent of seats allotted to the general electorate for British India in the said Legislature shall be reserved for the Depressed Classes.

(5) The system of Primary election to a pannel of Candidates for election to the Central and Provincial Legislature, as hereinbefore mentioned, shall come to an end after the first ten years, unless terminated sooner by mutual agreement under the provision of clause (6) below.

(6) The system of representation of the Depressed Classes by reserved seats in the Provincial and Central Legislatures as provided for in clauses (1) and (4) shall continue until determined by mutual agreement between the communities concerned in the settlement.

(7) Franchise for the Central and Provincial Legislatures, for the Depressed Classes shall be as indicated in the Lothian Committee Report.

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(8) There shall be no disabilities attaching to anyone on the ground of his being a member of the Depressed Class in regard to any elections to local bodies or appointment to the Public Services. Every endeavour shall be made to secure fair representation of the Depressed Classes in these respects, subject to such educational qualifications as may be laid down for appointment to the Public Service.

(9) In every Province out of the educational grant an adequate sum shall be earmarked for providing educational facilities to the Members of the Depressed Classes.

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Appendix III

DISADVANTAGES OF THE POONA PACT

1. The Poona Pact was intended to devise a method whereby the Scheduled Castes would be able to return to the Legislature representatives of their choice. This intention has been completely nullified as will be seen from the following series of statistics. The series have been constructed from the results of the last elections which took place in February 1946.

2. The statistical data is arranged in four series of tables :

First series show the votes secured by the successful Caste Hindu candidate and the successful Scheduled Caste candidate in the Final election.

Second series show in how many cases did reliance on reservation clause become necessary for the success of the Scheduled Caste candidate in the Final election and in how many he succeeded without the benefit of reservation.

Third series show the relative voting strength of the Caste Hindus and the Scheduled Castes in constituencies in which seats are reserved for the Scheduled Castes.

Fourth series show the position in the Primary election of the Scheduled Caste Candidates who became successful in the Final elections.

3. The conclusions that follow from these figures will not escape those who care to examine them. The figures prove the following propositions :

(i) That every of the Scheduled Caste candidate who became successful in the Final election owed his success to the votes of the caste Hindus and not of the Scheduled Castes. A great many of them came to the top of the poll and secured votes equal to and in some cases larger than those obtained by Caste Hindu candidates (*See* Tables in the First Series). Secondly, in very few constituencies was the successful Scheduled Caste candidate required to rely on reservation (*See* Tables in the Second Series). This is a most unexpected phenomenon. Anyone who compares the voting strength of the Scheduled Castes with the voting strength of the Caste Hindus in the different constituencies (*See* Tables in the Third Series) would realize that the voting strength of the Scheduled Castes is so small that such a phenomenon could never have occurred if only the Scheduled Castes voters had voted for the Scheduled Caste candidates. That they have occurred is proof positive that the success of the Scheduled Caste candidate in the Final election is conditioned by the Caste Hindu votes.

(ii) That comparing the results of the Primary election with those of the Final election (*See* Tables in the Fourth series) the Scheduled Caste candidate who was elected in the Final election was one

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who had failed in the Primary election (if the Primary election be treated as a Final election and the constituency be treated as a single-member constituency).

(iii) Owing to the extreme disparity between the voting strength of the Hindus and the Scheduled Castes—disparity which will not disappear even under adult suffrage—a system of joint electorates will not succeed in giving the Scheduled Castes the chance of returning their true representatives.

(iv) The Poona Pact has completely disfranchised the Scheduled Castes inasmuch as candidates whom they rejected in the Primary elections—which is a true index of their will—have been returned in the Final election by the votes of the Caste Hindus.

The Poona Pact is thus fraught with mischief. It was accepted because of the coercive fast of Mr. Gandhi and because of the assurance given at the time that the Hindus will not interfere in the election of the Scheduled Castes.

FIRST SERIES

Votes obtained by the successful Scheduled Caste candidates as compared with the votes secured by the successful Caste Hindu candidates.

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First Series

I. MADRAS

	Name of the Constituency	Seats	Votes polled by successful Hindu candidates	Votes polled by successful Scheduled Caste candidates
	1	2	3	4
1.	Coconada	2	32,607	28,544
2.	Ellore	2	37,618	38,195
3.	Bandar	2	69,319	70,931
4.	Ongole	2	50,906	49,992
5.	Penukonda	2	17,406	18,125
6.	Kurnool	2	32,756	32,294
7.	Chingleput	2	13,865	15,129
8.	Thiruvalur	2	17,225	17,818
9.	Ranipet	2	21,249	21,059
10.	Tiruvannamalai	2	31,476	32,132
11.	Tindivanam	2	25,626	25,442
12.	Chidambaram	2	15,272	14,874
13.	Tanjore	2	26,904	16,133
14.	Mannargudi	2	29,932	30,116
15.	Ariyalur	2	22,656	20,520
16.	Sattur	2	30,988	29,530
17.	Malapuram	2	28,229	28,085
18.	Namakkal	2	15,433	15,085

II. BENGAL

	Name of the Constituency	Seats	Votes polled by successful Hindu candidates	Votes polled by successful Scheduled Caste candidates	
	1	2	3	4	5
1.	Burdwan Central ..	2	42,858	33,903	. . . .
2.	Burdwan, North-West ..	2	32,270	25,723	. . . .
3.	Birbhum	2	24,629	20,252	. . . .
4.	Bankura, West ..	2	30,388	21,266	. . . .
5.	Thurgram-cum-Ghatal ..	2	40,900	19,060	. . . .
6.	Hooghly, North-East ..	2	26,132	18,768	. . . .
7.	Howrah	2	40,608	36,099	. . . .
8.	24 Parganas, South-East ..	2	50,345	38,459	. . . .
9.	24 Parganas, North-West ..	2	45,339	48,272	. . . .
10.	Nadia	2	30,489	28,054	. . . .
11.	Murshidabad	2	32,386	26,958	. . . .
12.	Jessore	2	38,665	41,434	. . . .

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II. BENGAL

Name of the Constituency	Seats	Votes polled by successful Hindu candidates	Votes polled by successful Scheduled Caste candidates	
1	2	3	4	5
13. Khulna	3	79,218	57,724	44,043
14. Malda	2	32,728	12,796	. . . .
15. Dinajpur	3	46,146	35,127	30,839
16. Jalpaiguri-*cum*-Siliguri ..	3	30,950	26,109	13,829
17. Rangpur	3	46,869	29,657	23,237
18. Bogra-*cum*-Pabna ..	2	43,249	31,515	. . . .
19. Dacca, East	2	51,808	31,392	. . . .
20. Mymensingh, West ..	2	37,983	32,782	. . . .
21. Mymensingh, East ..	2	43,678	32,207	. . . .
22. Faridpur	2	70,115	51,450	29,503
23. Bakargunj	2	48,560	28,560	. . . .
24. Tippera	2	60,146	59,051	. . . .

III. BOMBAY

Name of the Constituency	Seats	Votes secured by successful Hindu candidates			Votes secured by successful Scheduled Caste candidates
1	2	3	4	5	6
1. Bombay City (Suburban)	3	57,182	47,835	. . . .	59,646
2. Bombay City (Byculla) ..	3	42,143	41,795	. . . .	43,251
3. Kaira District	4	68,044	63,422	57,394	69,807
4. Surat District	4	40,232	39,985	39,610	39,849
5. Thana, South	3	30,581	27,587	. . . .	11,630
6. Ahmednagar, South ..	3	25,747	20,948	. . . .	20,908
7. East Khandesh, East ..	4	38,721	34,349	33,960	36,136
8. Nasik, West	4	37,218	36,794	36,555	42,604
9. Poona, West	3	23,758	23,454	. . . .	24,709
10. Satara, North ..	4	44,315	42,727	41,474	43,961
11. Sholapur, North-East ..	3	19,380	16,705	. . . .	18,264
12. Belgaum, North ..	4	55,787	50,759	49,867	27,682
13. Bijapur, North ..	3	23,083	20,838	. . . .	16,059
14. Kolaba District ..	4	41,012	38,864	35,633	17,676
15. Ratnagiri, North ..	4	13,640	10,985	10,372	11,734

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IV. UNITED PROVINCES

	Name of the Constituency		Seats	Votes polled by successful Hindu candidates	Votes polled by successful Scheduled Caste candidates
	1		2	3	4
1.	Lucknow City	..	2	24,614	14,110
2.	Cawnpore City	..	2	34,550	34,782
3.	Agra City	..	2	17,446	16,343
4.	Allahabad City	..	2	19,870	10,308
5.	Badaun District	..	2	6,716	14,037
6.	Jalaun District	..	2	21,692	15,363
7.	Basti District	..	2	14,450	15,447
8.	Almora District	..	2	36,371	20,605
9.	Rai Bareilli	..	2	15,917	1,889
10.	Sitapur District	..	2	28,665	20,204
11.	Gonda District	..	2	17,949	13,447

V. CENTRAL PROVINCES

	Name of the Constituency		Seats	Votes polled by successful Hindu candidates	Votes polled by successful Scheduled Caste candidates
	1		2	3	4
1.	Nagpur City	..	2	21,905	23,595
2.	Nagpur-Umred	..	2	8,330	7,847
3.	Hinganghat-Wardha	..	2	11,677	10,781
4.	Chanda-Brahmapuri	..	2	10,208	8,144
5.	Chindwara-Sansad	..	2	16,365	6,190
6.	Saugor-Khurai	..	2	7,829	5,162
7.	Raipur	..	2	8,183	6,112
8.	Baloda Bazar	..	2	21,861	9,659
9.	Bilaspur	..	2	13,109	6,030
10.	Mungeli	..	2	9,600	6,418
11.	Tanjgir	..	2	11,914	7,419
12.	Drug	..	2	5,975	5,593
13.	Bhandara-Sakoli	..	2	16,824	10,491
14.	Yeotmal-Daresha	..	2	10,915	4,719
15.	Ellichpur	..	2	16,298	4,592
16.	Chikhli-Mehkar	..	2	16,397	2,748
17.	Akola-Balapur	..	2	6,455	5,567

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VI. ASSAM

	Name of the Constituency		Seat	Votes polled by successful Hindu candidates		Votes polled by successful Scheduled Caste candidates
	1		2	3	4	5
1.	Kamrup-Saor, South	..	3	15,890	14,971	13,693
2.	Nowgong	..	1	....	....	14,560
3.	Jorhat, North	..	2	17,429	....	5,809
4.	Habibganj	..	2	10,985	....	9,770
5.	Karimganj	..	2	12,562	....	11,676
6.	Silchar	..	3	17,340	....	7,081

VII. ORISSA

	Name of the Constituency		Seats	Votes obtained by successful Hindu candidates	Votes obtained by successful Scheduled Caste candidates
	1		2	3	4
1.	East Tajpur	..	2	8,427	8,712
2.	East Burgarh	..	2	4,195	937

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Second Series

NUMBER OR CONSTITUENCIES IN WHICH RESERVATION BECAME NECESSARY FOR THE SCHEDULED CASTE CANDIDATES TO SUCCEED IN ELECTION

Province		Number of Constituencies in which seats are reserved for the Scheduled Castes	Number of Constituencies in which there was a conflict	Number of Constituencies in which the contest was due to excess of Hindu candidates	Number of Constituencies in which the contest was due to excess of Scheduled Caste candidates	Number of Constituencies in which the contest was due to excess of both	Number of Constituencies in which reliance on reservation became necessary for the Scheduled Caste candidates to succeed
1		2	3	6	5	6	7
1.	Madras	..	30	18	14	17	....	None
2.	Bengal	..	30	24	19	24	19	None
3.	Bombay	..	15	15	15	15	15	2
4.	C.P.	..	22	17	14	17	14	2
5.	U.P.	..	15	11	5	11	6	None
6.	Assam	..	....	....	....	....	....	2
7.	Orissa	..	....	2	....	2	....	None
8.	Punjab	..	8	....	....	....	....	....

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Third Series

RELATIVE VOTING STRENGTH OF CASTE HINDUS AND SCHEDULED CASTES

I. MADRAS

	Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
	1	2	3	4
1.	Madras City, South-Central	26,922	4,082	1 : 6.6
2.	Chicacole ..	90,496	8,070	1 :11.2
3.	Amalapuram ..	95,954	28,282	1 : 3.4
4.	Cocanada ..	86,932	17,616	1 : 4.9
5.	Ellore ..	88,249	16,835	1 : 5.24
6.	Ongole ..	1,10,152	11,233	1 : 9.8
7.	Gudur ..	52,415	10,263	1 : 5.1
8.	Cuddapah ..	92,572	10,842	1 : 8.5
9.	Penukonda ..	74,952	11,896	1 : 6.3
10.	Bellary ..	85,928	10,146	1 : 8.5
11.	Kurnool ..	72,753	11,679	1 : 6.2
12.	Tirutanni ..	77,337	15,243	1 : 5.07
13.	Chingleput ..	73,554	22.182	1 : 3.3
14.	Tiruvallur ..	81,814	21,287	1 : 3.8
15.	Ranipet ..	24,403	11,271	1 : 2.1
16.	Tiruvannamalai ..	97,259	15,536	1 : 6.2
17.	Tindivanam ..	85,514	19,221	1 : 4.4
18.	Chidambaram ..	96,086	16,762	1 : 5.7
19.	Tirukoyilur ..	1,02,482	21,733	1 : 4.7
20.	Tanjore ..	99,496	13,198	1 : 7.5
21.	Manaargudi ..	69,579	11,547	1 : 5.8
22.	Ariyalur ..	1,13,630	16,772	1 : 6.7
23.	Palani ..	92,655	13,521	1 : 6.8
24.	Sattur ..	84,169	8,033	1 :10.5
25.	Koilpatti ..	1,00,521	20,907	1 : 4.8
26.	Pollachi ..	63,821	12,808	1 : 4.9
27.	Namakkal ..	51,860	11,407	1 : 4.5
28.	Coondapur ..	46,032	8,030	1 : 5.7
29.	Malapuram ..	70,346	10,808	1 : 6.5

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II. BOMBAY

	Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
	1	2	3	4
	General Urban			
1.	Bombay City ..	1,67,002	34,266	1 : 4.8
	North and Bombay Suburban District			
2.	Bombay City—			
	Byculla and Parel ..	1,52,991	28,520	1 : 5.3
	General Rural			
3.	Kaira District ..	1,39,508	7,318	1 : 19.06
4.	Surat District ..	85,670	4,765	1 : 18.8
5.	Thana, South ..	67,749	4,668	1 : 14.5
6.	Ahmednagar, South	73,162	7,382	1 : 9.9
7.	East Khandesh, East	91,377	10,109	1 : 9.35
8.	Nasik, West ..	99,274	12,698	1 : 7.7
9.	Poona, West ..	73,551	13,055	1 : 5.6
10.	Satara, North ..	95,459	11,152	1 : 8.5
11.	Sholapur, North-East ..	64,583	9,713	1 : 6.6
12.	Belgaum, North ..	79,422	18,303	1 : 4.3
13.	Bijapur, North ..	60,655	8,993	1 : 6.7
14.	Kolaba District ..	1,03,828	5,001	1 : 20.7
15.	Ratnagiri, North	32,606	3,529	1 : 9.2

III. BENGAL

	Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
	1	2	3	4
	General Rural			
1.	Burdwan, Central	74,306	24,610	1 : 3.01
2.	Burdwan, North-West ..	80,035	16,830	1 : 4.8
3.	Birbhum ..	1,03,231	37,637	1 : 2.7
4.	Bankura, West ..	84,128	25,487	1 : 3.3
5.	Midnapore, Central	99,961	20,167	1 : 4.95
6.	Jhargam-*cum*-Ghatal	64,031	13,091	1 : 4.85
7.	Hooghly, North-East.	67,697	20,318	1 : 3.33
8.	Howrah ..	1,03,346	22,990	1 : 4.5
9.	24 Parganas, South-West.	82,366	47,378	1 : 1.7

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III. BENGAL—*contd.*

	Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
	1	2	3	4
10.	24 Parganas, North-East	85,477	30,607	1 : 2.78
11.	Nadia ..	90,092	25,605	1 : 3.5
12.	Murshidabad ..	81,083	17,176	1 : 4.8
13.	Jessore ..	1,21,760	55,052	1 : 2.2
14.	Khulna ..	1,45,335	76,848	1 : 1.87
15.	Malda ..	73,664	29,010	1 : 2.54
16.	Dinajpur ..	1,48,804	1,18,454	1 : 1.25
17.	Jalpaiguri-cum-Siliguri	78,552	65,679	1 : 1.2
18.	Rangpur ..	29,437	65,679	1 : 0.44
19.	Bogra-*cum*-Patna ..	87,704	33,873	1 : 2.58
20.	Dacca, East ..	94,858	40,238	1 : 2.35
21.	Myroensingh, West	98,795	38,046	1 : 2.59
22.	Mymensingh, East	68,360	29,588	1 : 2.3
23.	Faridpur ..	1,72,683	96,319	1 : 1.7
24.	Bakarganj, South-West.	78,796	49,014	1 : 1.6
25.	Tippera ..	1,27,097	34,813	1 : 3.61

IV. UNITED PROVINCES

	Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
	1	2	3	4
	General Urban			
1.	Lucknow City ..	89,412	9,079	1 : 9.8
2.	Cawnpore City ..	1,31,599	22,515	1 : 5.8
3.	Agra City ..	47,505	10,105	1 : 4.7
4.	Allahabad City ..	55,379	6,854	1 : 8.07
	General Rural			
5.	Charanpur District, South-East.	47,773	7,256	1 : 6.5
6.	Bulandshah District, South-East.	49,699	7,506	1 : 6.6
7.	Agra District, North-East.	61,515	8,290	1 : 7.4
8.	Manipuri District North-East.	51,406	5,878	1 : 8.7

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IV. UNITED PROVINCES—*Contd.*

	Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
	1	2	3	4
9.	Budaun District, East	46,966	7,087	1 : 6.6
10.	Jalaun District . .	68,815	14,611	1 : 4.7
11.	Mirzapur District, North.	43,648	4,045	1 : 10.7
12.	Gorakhpur District, North.	43,441	5,626	1 : 7.7
13.	Basti District, South	37,084	4,194	1 : 8.8
14.	Azamgarh District, West.	51,194	8,127	1 : 6.2
15.	Almora District . .	1,39,217	20,671	1 : 6.7
16.	Rai Bareilli District, North-East.	48,697	10,488	1 : 4.6
17.	Sitapur District, North-East.	76,682	22,913	1 : 3.3
18.	Fyzabad District, East.	57,154	9,988	1 : 5.7
19.	Gonda District, North-East.	64,225	8,274	1 : 7.7
20.	Bara Banki District, North.	68,285	16,303	1 : 4.18

V. CENTRAL PROVINCES

	Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
	1	2	3	4
	General Urban			
1.	Nagpur City ..	72,329	14,388	1 :5.02
	General Rural			
2.	Nagpur-Umrer ..	29,267	6,037	1 :4.8
3.	Hinghanghat-Wardha	35,201	4,011	1 :9.02
4.	Chanda-Brahmapuri	30,132	5,229	1 :5.7
5.	Chindwara-Sausar	37,942	3,914	1 :9.7
6.	Jubulpure-Patan ..	20,587	1,186	1 :17.5
7.	Saugor-Khurai ..	30,660	5,224	1 :5.8
8.	Damoh-Hatta ..	33,284	3,608	1 :9.2
9.	Narsinghpur-Gadarwara.	35,781	2,019	1 :17.6
10.	Raipur ..	33,053	11,041	1 :2.9

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V. CENTRAL PROVINCES—*contd.*

	Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
	1	2	3	4
11.	Baloda Bazar ..	46,943	15,636	1 : 3.06
12.	Bilaspur . .	33,260	10,547	1 : 3.1
13.	Mungeli . .	28,028	10,067	1 : 2.7
14.	Janjgir . .	42,763	13,558	1 : 3.15
15.	Drug . .	34,883	8,942	1 : 3.19
16.	Bhandara-Sakoli . .	47,047	10,399	1 : 4.5
17.	Ellichpur-Dartapur-Nelghat	30,094	2,885	1 :13.8
18.	Akola-Belapur . .	25,912	3,233	1 : 9.81
19.	Yeotmal-Darwha . .	20,327	2,020	1 :10.06
20.	Chikhli-Mehkar . .	37,936	3,468	1 : 1.09

VI. BIHAR

	Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
	1	2	3	4
1.	East Bihar ..	35,631	4,618	1 :7.7
2.	South Gaya ..	49,363	10,360	1 :4.7
3.	Nawada ..	41,432	7,684	1 :5.3
4.	East Central Shahabad. ..	41,707	5,984	1 :6.9
5.	West Gopalganj ..	33,395	3,415	1 :9.7
6.	North Bettiah ..	25,760	2,831	1 :9.09
7.	East Muzaffarpur-Sadr.	27,271	3,133	1 :8.7
8.	Darbhanga Sadr ..	26,864	2,116	1 :12.6
9.	South-East Samastipur	37,291	2,672	1 :13.9
10.	South Sadr-Monghyr	54,229	6,465	1 :8.5
11.	Madhipura ..	26,523	1,284	1 :20.6
12.	South-West Purnea	44,232	2,938	1 :15.05
13.	Giridih-cum-Ghatra	55,246	4,667	1 :11.8
14.	North-East Palamnu	23,072	4,237	1 :5.3
15.	Central Manbhum	39,626	5,617	1 :7.05

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VII. ASSAM

	Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
	1	2	3	4
1.	Nowgong, North-East	26,618	3,569	1 : 7.2
2.	Kamrup Sadr, South	33,234	2,117	1 : 15.6
3.	Silchar ..	38,647	4,201	1 : 9.2
4.	Karimganj, East ..	25,701	10,132	1 : 2.5
5.	Jorhat, North ..	26,733	1,360	1 : 19.6
6.	Jonamganj ..	39,045	11,603	1 : 3.3
7.	Habibganj, North	31,511	9,996	1 : 3.1

VIII. PUNJAB

	Constituency	Total number of voters in the Constituency	Total number of Scheduled Caste voters in the Constituency	Relative proportion of columns 2 and 3
	1	2	3	4
1.	South-East Gurgaon	37,815	6,049	1 : 6.2
2.	Karnal, North	31,967	5,120	1 : 6.2
3.	Ambala and Simla	47,403	17,507	1 : 3.27
4.	Hoshiarpur, West	51,084	7,281	1 : 7.0
5.	Jullundur	36,570	20,521	1 : 1.8
6.	Ludhiana and Ferozepur	52,009	27,354	1 : 1.8
7.	Amritsar and Sialkot	38,046	10,328	1 : 3.68
8.	Lyallpur and Jhang	32,703	7,602	1 : 4.2

Fourth Series

COMPARISON OF PRIMARY ELECTION AND FINAL ELECTION

I. MADRAS

Constituency	Scheduled Caste candidate who was successful in Final election			His rank among candidates who fought the general election	His position in the Primary election treating the Constituency as a single member Constituency	Votes obtained in the Primary election	What his success in Primary election due to bare or absolute majority or split vote
	His name	His party affiliation	Number of votes secured				
1	2	3	4	5	6	7	8
1. Amalapuram ..	Pandu Lakshmana-swami.	Congress	48,524	1st among 3	3rd (failed)	2,683	....
2. Cocanada ..	B. S. Murthy	Congress	28,544	2nd among 4 (beating 2 Hindus)	4th (failed)	1,411	....
3. Bandar ..	Vemula Kurmayya	Congress	70,931	1st among 6 (beating 4 Hindus)	2nd (failed)	4,914	....
4. Cuddapah ..	Swarna Nagayya	Congress	....	....	1st	3,482	Absolute majority.
5. Penukonda ..	D. Kadrippa	Congress	18,125	1st among 4 (beating 1 Hindu and 2 Sch. Caste)	1st	2,564	Bare majority.
6. Tiruvannamali	R. Thangavelu	Congress	32,132	1st among 5 (beating 2 Hindus and 2 Sch. Caste)	1st	1,960	Bare majority.
7. Tindivanam ..	K. Kulashekhardas	Congress	25,442	2nd among 4 (beating 2 Hindus)	1st	2,785	Split vote.
8. Mannargudi	Thiagoo Voikarar	Congress	30,116	1st among 5 (beating 5 Hindus)	1st	2,895	Split vote.
9. Pollachi ..	C. Krishna Kudumban	Congress	....	....	1st	2,430	Absolute majority.
10. Namakkal ..	M. P. Periyaswami	Congress	15,085	2nd among 5 (beating 2 Hindus and 1 Sch. Caste)	1st	2,355	Bare majority.

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II. BOMBAY

	Constituency	Scheduled Caste candidate who was successful in Final election			His rank among candidates who fought the general election	His position in the Primary election treating the Constituency as a single member Constituency	Votes obtained in the Primary election	Was his success in Primary election due to bare or absolute majority or split vote
		His name	His party affiliation	Number of votes secured				
	1	2	3	4	5	6	7	8
1.	Bombay City, North.	Savlaram Gundaji Songaoker.	Congress	59,646	1st among 3 (standing above 2 Hindus)	2nd (failed)	2,038	....
2.	Bombay City, Byculla and Parel.	N. S. Kajrolkar	Congress	43,251	1st among 3 (standing above 2 general candidates)	2nd (failed)	2,098	....
3.	East Khandesh, East.	Hiralal Kalyani	Congress	36,136	2nd among 4 (beating 2)	2nd (failed)	1,147	....

III. CENTRAL PROVINCES

	Constituency	Scheduled Caste candidate who was successful in Final election			His rank among candidates who fought the general election	His position in the Primary election treating the Constituency as a single member Constituency	Votes obtained in the Primary election	Was his success in Primary election due to bare or absolute majority or split vote
		His name	His party affiliation	Number of votes secured				
	1	2	3	4	5	6	7	8
1.	Nagpur-Umrer	Lelendra Ramchandra.	Congress	7,847	2nd	3rd (failed)	112	....
2.	Hinghanghat-Wardha.	Shanker Vithal	Congress	10,781	2nd	4th (failed)	56	....
3.	Bhandra-Sakoli	Harnuji Isram	Congress	10,491	2nd	3rd (failed)	471	....
4.	Yeotmal-Darwha	Daulat-Luxman	Congress	4,719	2nd	3rd (failed)	126	....

IV. UNITED PROVINCES

Constituency	Scheduled Caste candidate who was successful in Final election			His rank among candidates who fought the general election	His position in the Primary election treating the Constituency as a single member Constituency	Votes obtained in the Primary election	Was his success in Primary election due to hare or absolute majority or split vote
	His name	His party affiliation	Number of votes secured				
1	2	3	4	5	6	7	8
1. Agra City ..	Ram Chand	Congress	16,343	2nd	1st	836	Bare majority and split vote.
2. Allahabad City	Masuria Din	Congress	10,308	2nd	1st	1,701	Bare majority and split vote.
3. Almora ..	Khushi Ram	Congress	20,605	2nd	2nd (failed)	937	....

V. PUNJAB

Constituency	Scheduled Caste candidate who was successful in Final election			His rank among candidates who fought the general election	His position in the Primary election treating the Constituency as a single member Constituency	Votes obtained in the Primary election	Was his success in Primary election due to bare or absolute majority or split vote
	His name	His party affiliation	Number of votes secured				
1	2	3	4	5	6	7	8
1. South-East Gurgaon.	Prem Singh	Unionist	7,706	2nd	1st	1,353	Split vote
2. Karnal, North	Sunder	Congress	3,136	2nd	1st	519	Bare majority
3. Ambala-Simla ..	Prithivi Singh Azad	Congress	10,503	2nd	3rd (failed)	1,392	. . . .
4. Hoshiarpur, West	Mehr Chand	Congress	16,307	2nd	3rd (failed)	641	. . . .
5. Jullundur ..	Gurbanta Singh	Congress	21,476	1st	1st	. . . .	. . . .
6. Ludhiana-Ferozepur.	Matu Ram	Congress	24,352	1st	4th (failed)	812	. . . .
7. Lyallpur and Jhang	Harbhaj Ram	. . . .	8,312	2nd	2nd (failed)	1,166	. . . .

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Appendix IV

STATISTICS OF POPULATION

The population of the Scheduled Caste in 1941 is estimated at 48,793,180. Can this figure be accepted as accurate ?

In coming to a definite conclusion on this issue the following points must be borne in mind : —

(i) The population of the Scheduled Castes in 1941 as compared with their population in 1931 shows a decline.

(ii) The population of all other communities during the same period shows an increase of 15 per cent.

The question is whether there is any special reason why the population of the Scheduled Castes should have declined.

Was the basis for computation of the population of the Scheduled Castes in 1931 the same as in 1941 ? The answer is in the affirmative. The figures given for 1931 are the result of recasting of the Census of 1931 in the light of the definition of "Untouchables" given by the Lothian Committee. The same basis was adopted in 1941. It cannot therefore be said that the decline in the population of the Scheduled Castes in 1941 was due to an over-estimate made in 1931.

It is true that the Census for 1941 does not give any figures for the Scheduled Castes for Ajmer-Merwara and Gwalior State. But even adding to the total for 1941 the figures for these two areas as they stood in 1931 the population comes to only 49,538,145 which still shows a comparative decline.

The want of any proper explanation for the decline of the Scheduled Caste population and an increase in the population of all other communities during the same decade only reinforces the impression which every honest student of Indian census has formed namely that the Census of India has over a number of decades ceased to be an operation in demography. It has become a political affair. Every community seems to be attempting to artificially augment its numbers at the cost of some other community for the sake of capturing greater and greater degree of political power in its own hands. The Scheduled Castes seem to have been made a common victim for the satisfaction of the combined greed of the other communities who through their propagandists or enumerators are able to control the operation and the results of the Census.

In the light of these circumstances it is fair to demand that an accurate figure for the population of the Scheduled Castes would be the Census figure as corrected by the inclusion of the population for Ajmer-Merwara and Gwalior State *plus* an increase of 15 per cent to give them the benefit of the general rise in the population.

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Appendix IV

POPULATION FIGURES

Table 1

POPULATION OF DIFFERENT COMMUNITIES ACCORDING TO THE CENSUS OF 1941

	Hindus	Scheduled Castes	Muslims	Sikhs	Indian Christians	Anglo-Indians	Parsis
	1	2	3	4	5	6	7
Provinces	150,890,146	39,920,807	79,398,503	4,165,097	3,245,706	1,13,936	1,01,968
Ajmer-Merwara	376,481	?	89,899	867	3,895	1,005	. . . .
Assam*	3,586,932	676,291	3,442,479	3,464	37,750	634	2
Baluchistan	39,521	5,102	438,930	11,918	2,633	263	75
Bengal	17,680,054	7,378,970	33,005,434	16,281	110,923	31,619	86,270
Bihar	22,173,890	4,340,379	4,716,314	13,213	24,693	5,963	547
Orissa	5,594,535	1,238,171	146,301	232	26,584	789	13
Bombay	14,700,242	1,855,148	1,920,368	6,044	338,812	14,034	43,467
Sind	1,038,292	191,634	3,208,325	31,011	13,232	2,731	1,936
Central Provinces and Berar ..	9.880,583	3,051,413	783,697	14,996	48,260	4,538	2,014
Coorg	105,013	25,740	14,730	*Nil*	3,309	80	12
Delhi	444,532	122,693	304,971	16,157	10,494	3,408	284
Madras	34,731,330	8,068,492	8,896,452	418	2,001,032	28,661	369
N.W.F.P.	180,321	?	2,788,797	57,939	5,426	837	24
Punjab	6,301,737	1,248,635	16,217,242	3,757,401	486,038	5,891	4,327
United States ..	34,094,511	11,717,158	8,416,308	232,445	131,327	13 383	1,375
States and Agencies ..	55,227,180	8,892,373	12,659,593	1,526,350	2,794,959	26,468	12,922
INDIA	206,117,326	48,813,180	92,058,096	5,691,447	6,040,665	140,422	114,490

* Tribes 6,484,996.

TRIBES

Provinces	16,713,256
States and Agencies	8,728,233
INDIA	25,441,489

Table II

VARIATION IN POPULATION BY COMMUNITIES, 1931-1941

Increase (+)
Decrease (–)

	Provinces	States and agencies	Total India	Provinces	States and agencies	Total India	Total percentage
	1	2	3	4	5	6	7
Hindus ..	139,319,979	50,335,391	189,654,370	150,890,146	55,227,180	206,117,326	+ 26,462,956
Scheduled Castes ..	38,409,009	11,131,761	49,540,770	39,920,807	8,892,373	48,793,180	– 747,590
Muslims ..	67,020,443	10,657,102	77,677,545	79,398,503	12,659,598	92,058,096	+ 14,381,551
Sikhs ..	3,220,997	1,114,774	4,335,771	4,165,097	1,526,350	5,691,447	+ 1,355,676
Christians ..	3,860,660	2,430,103	6,296,763	3,471,430	2,834,119	6,316,119	+ 19,786
Parsis ..	96,549	13,203	109,752	101,968	12,922	114,890	+ 5,138

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PART V

ON ECONOMIC PROBLEMS

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11

SMALL HOLDINGS IN INDIA AND THEIR REMEDIES

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SMALL HOLDINGS IN INDIA AND THEIR REMEDIES

I

IMPORTANCE OF AGRICULTURE

A study of the economic ways of getting a living will ever remain important. These ways generally take the form of industries or services. Confining ourselves to industries, they may be divided into primary and secondary. The primary industries are concerned with extracting useful material from the earth, the soil or water and take the form of hunting, fishing, stock-raising, lumbering and mining. These primary or extractive industries are fundamental in two ways : (1) They extract from the physical world useful materials which become the original sources of man's subsistence. (2) They provide raw materials for the secondary or manufacturing industries, for, manufactures, in the language of Dr. Franklin, are simply, "substance metamorphosed". From a national point of view as well, the importance of primary industries is beyond question. But important as are the primary industries, farming is by far the most important of them all. It is most ancient and abiding of all industries, primary or secondary : while the fact that it is concerned with the production of food is enough to make its problems demand our most serious thought. But when a country, like India, depends almost wholly upon farming its importance cannot be exaggerated. The problems of agricultural economy dealing directly with agricultural production are what to produce, the proper proportion of the factors of production, the size of holdings, the tenures of land etc. In this paper it is attempted to deal only with the problem of the size of holdings as it affects the productivity of agriculture.

II

SMALL HOLDINGS IN INDIA

It may be said that some countries are predominantly countries of small holdings while in others it is the large holdings that prevail. According to

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Adam Smith it is the adoption of the law of primogeniture chiefly due to the exigencies of a military life that leads to the creation and preservation of large holdings. While it is the adoption of the law of equal sub-division necessitated by the comparatively peaceful career of a nation that gives rise to small holdings. He says : —

> "When land like moveables is considered as the means only of subsistence and enjoyment, the natural law of succession divides it like them among all the children of the family ; of all of whom the subsistence and enjoyment may be aupposed equally dear to the father, [thus tending to have small holdings]. But when land was considered as the means, not of subsistence merely, but of power and protection it was thought better that it should descend undivided to one. In those disorderly times..... to divide it was to ruin it, and to expose every part of it to be opposed and swallowed up by its neighbours. The law of primogeniture, therefore came to take place in the succession of landed estates [thus tending to preserve large holdings]"[1]

England is, therefore, a country of large holdings. Post-Revolutionary France is a country of small holdings. So are Holland and Denmark. Turning to India, we find holdings of the following size held separate and direct for the years 1896-97 and 1900-01 :

Average area of holdings in acres

Years		Assam	Bombay	Central Provinces	Madras
1896-97	..	3.37	24.07	17	7
1900-01	..	3.02	23.9	48	7

Data, more recent, more exact, though from more restricted area, is available from the Baroda State.[2] Statistics of land holdings in the State are summarised in bighas in the following table :[3]

Name of the District		Total Agricultural land	Survey No. into which it is divided	Number of Khatedars	Average under Khatedar	Average area per Survey No.
Baroda	..	17,17,319	4,30,601	107,638	15—19—2	4
Kadi	..	25,13,982	5,89,687	141,145	17—16—5	4¼
Naosari	..	10,46,176	2,16,748	52,652	19—17—8	4
Amveli	..	9,72,040	55,635	17,214	36—9—7	3¼
Total	..	82,49,517	12,92,671	318,649	17—10—10	$3^{7}/_{8}$

(8 bighas = 5 acres)

1.Wealth of Nations. Bk. III Ch. 11.
2.Report of the Committee appointed to make proposals on the Consolidation of Small and Scattered holdings in the Baroda State, 1917. This will be throughout referred to as R.B.C.
3. *ibid.,* p. 3

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Another investigation conducted by Dr. H. S. Mann and his colleagues indicates more specifically the fact of small holdings in the village of Pimpala Saudagar near Poona. The size of holdings in that village is indicated by the table below[4] :

	Over 20 acres	10 to 20 acres	5 to 10 acres	3 to 5 acres	2 to 3 acres	1 to 2 acres	30 to 40 gunthas	20 to 30 gunthas	15 to 20 gunthas	10 to 15 gunthas	5 to 10 gunthas	Below 5 gunthas
Number of plots of each size.	1	7	21	25	67	164	75	116	71	57	59	25

(40 Gunthas = 1 acre)

In this table the model holding is between 1 and 2 acres. A mode is a statistical average indicating the point of largest frequency in an array of instances.

From these tables it can be easily seen that the average size of holdings varies from 25.9 acres in the Bombay Presidency to an acre or two in Pimpala Saudagar.

This diminutive size of holdings is said to be greatly harmful to Indian Agriculture. The evils of small holdings no doubt, are many. But it would have been no slight mitigation of them if the small holdings were *compact* holdings. Unfortunately they are not. A holding of a farmer though compact for purposes of revenue is for purposes of tillage composed of various small strips of land scattered all over the village and interspersed by those belonging to others. How the fields are scattered can only be shown graphically by a map. Herein we shall have to remain content, since we cannot give a map, with knowing how many separate plots are contained in a holding. The number of separate plots in each holding will show how greatly fragmented it is. We have no figures at all for the whole of India bearing on this aspect of the question. But the Hon'ble Mr. G. F. Keatinge in his note[5] submitted to Government in 1916 has collected figures of typical

4. Land and Labour in a Deccan Village 1927, p. 48.

5. The author is thankful to him for a copy of this valuable note.

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cases from all the districts of the Bombay Presidency. The following table is constructed to present his data in an intelligible form :

Case II V. Shirgaon T. Ratnagiri D. Ratnagiri		Case V V. Badlapur T. Kalyan D. Thana		Case VI V. Kara T. Mawal D. Poona		Case VII V. Althan T. Ghorssi D. Surat		Case IX Surat District		Case X Kairs District		Case XII V. Lhasurna T. Koregaon D. Satara	
Area of a holding	No. of separate plots	Area of a holding	No. of separate plots	Area of a holding	No. of separate plots	Area of a holding	No. of separate plots	Area of a holding	No. of separate plots	Area of a holding	No. of separate plots	Area of a holding	No. of separate plots
A. g.		A g.		A. g.		A. g.		A. g.		A. g.		A. g.	
34½	3	48 6	53	60 0	27	0	9	1 0	14	62 13	27	38	6
33	2	67 0	38	2 27	8	85 0	8	13 0	18.	65 34	23	23	7
20	3	1 9	6	2 31	5	26 9	8	22 0	20	36 16	16	36	3
1 14	5	6 30	8	16 6	7	..	..	3 6	4	7 9	5	22	10
1 30	5	24 0	17	2 35	6	..	..	5 0	7	5 26	5	..	..
1 10¾	4	..	..	..	..	..	..	1 26	9	13 16	6	..	..
6 33	9	..	..	..	..	..	..	0 26	9	28 4	15	..	..
3 29¾	7	..	..	..	..	..	..	..	..	12 10	8	..	..
2 20½	2	..	..	..	..	..	..	..	..	12 7	3	..	..
35¾	3	..	..	..	..	..	..	..	..	5 26	5	..	..
..	..	..	..	..	..	..	..	..	..	5 34	5	..	..
..	..	..	..	..	..	..	..	..	..	3 39	3	..	..

(A = acre g = guntha V = village T = taluka D = district)

These small and scattered holdings have given a real cause for anxiety regarding our great national industry. Comparative Statistics go to swell this feeling by laying bare two very noteworthy but equally sad facts regarding economic life in India; (1) that it is largely an agricultural country ;* and (2) that its agricultural productivity is the lowest†—

* (1) Occupational Statistics

	England and Wales	Ireland	Austria	Belgium	Bulgaria	Denmark	France	Germany	Holland	Hungary	Italy	Russia	Switzerland	India	U.S.A
Percentage of Agricultural Population.	15.3	44.7	60.9	20.7	82.6	48.2	42.7	35.2	30.7	69.7	59.4	58.3	30.9	71.5	33.3

†(2) Produce in Lbs. per acre

	U.K	Canada	New Zealand	Austria	Egypt	France	Germany	Hungary	Japan	U.S. A.	Turkey	Indian Provinces				
												UP.	N.WP.	Punjab	Bombay	U Burma
Wheat ..	1973	1054	1723	1150	1634	1172	1796	1056	1176	..	1318	850	555	555	510	322
Maize ..	..	3487	3191	1135	2059	1097	..	1489	1525	..	1372	1100	735	766	..	..

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Both these truths are painful enough to have startled many people into inquiring the causes of this low productivity. As a result, attention has now been concentrated on the excessive sub-division and fragmentation of agricultural holdings. Enlarge and consolidate the holdings, it is confidently argued, and the increase in agricultural productivity will follow in its wake!!

III

CONSOLIDATION

Consolidation of holdings is a practical problem while the enlargement of them is a theoretical one, demanding a discussion of the principle which can be said to govern their size. Postponing the consideration of the theoretical question of enlargement, we find that the problem of consolidation raises the following two issues:—(1) how to unite such small and scattered holdings as the existing ones, and (2) once consolidated how to perpetuate them at that size. Let us consider them each in turn. Sub-division of land need not involve what is called the fragmentation of land. But unfortunately it does, for, every heir desires to secure a share from each of the survey numbers composing the entire lands of the deceased instead of so arranging the distribution that each may get as many whole numbers as possible, i.e. the heirs instead of sharing the lands *by* survey numbers, claim to share *in* each survey number, thus causing fragmentation. Though fragmentation does subserve the ends of distributive justice it renders farming in India considerably inefficient as it once did in Europe. It involves waste of labour and cattle power, waste in hedges and boundary marks, and waste of manure. It renders impracticable the watching of crops, sinking of wells and the use of labour saving implements. It makes difficult changes in cultivation, the making of roads, water channels, etc., and it increases the cost of production. These disadvantages of fragmentation arc to be recounted only to lend their support to the process of restripping or consolidation. The methods of "restripping" are many, though all are not equally efficacious. Voluntary exchanges can hardly be relied upon for much. But a restricted sale of the right of occupancy may be expected to go a good deal. For, under it, when survey numbers are put to auction on account of their being relinquished by the holders or taken in attachment for arrears of assessments, only those may be allowed to bid in the auction for the sale of the right of occupancy whose lands are contiguous to the *land* hammered out. Again as further helping the process of reunion, the right of pre-emption may be given to farmers whose neighbour wishes to sell his land. These methods, it must be admitted, can achieve the desired result in a very small measure. The evils of fragmentation are very great and must be met by a comprehensive scheme of consolidation. It is, therefore, advocated* that if two-thirds of the Khiatedars, dealing more than half of

*RBC, p. 38.

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the village lands, apply, Government, should undertake compulsorily to restrip the scattered fields of the village. This compulsory restripping is to be executed on two principles, (1) of "Economic Unit" and (2) of "Original Ownership". Regarding the merits of these two principles the Baroda Committee observes.[6]

> "In the first the value of each holding is ascertained, then the original boundaries are removed, roads are marked out, lands required for public purposes are set apart, and the rest of the land is parcelled out into new plots. Each of these new plots must be of such a size as, having regard to the local conditions of soil, tillage etc. to form an economic field, i.e., a parcel of land necessary to keep fully engaged and support one family. These new plots may be sold by auction among the old occupants, restriction being placed on purchase so as to prevent a large number of cultivators from being ousted. The purchase, money may then be divided in a certain proportion among the original owners of pieces, a portion being reserved for expenses, in which Government would also contribute a share. Another mode would be to acquire all the land of the village then to sell it in newly constituted plots by auction as is done by City Improvement Trusts or by Government when laying out new roads in Cities or when extending a town. But we do not recommend its adoption in the improvement of agricultural land. It may result in land speculation and the small holders may be ousted in such numbers as to cause a real hardship."

> "According to the second method when the restripping has been decided, a list of Khatedars and their holdings is made and the latter are valued at their market price by Panchas. Then the land is redistributed and each Khatedar is given new land in proportion to his original holding and as far as possible of the same value, difference to be adjusted by cash payment. In this method no Khatedar is deprived of his land. Each is accommodated and in the place of his original small and scattered fields gets one plot of almost their aggregate size. It is only a few people whose holding may be very small and whom it would not be expedient to keep on as farmers, that may have to lose their small pieces. But they too would benefit as they would get their full value in money."

The Baroda Committee prefers the second method because:

> "It takes as its starting principle, that nobody (except perhaps a few, holding plots of insignificant sizes) is going to be driven off the land. It will give even the smallest man, chance to better his condition. Each land holder receives a new compact piece of land proportionate to the

6. R. B. C, p. 35

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value of his old small and scattered field. In this way the previous sub-divisions together with their attendant evils totally disappear."[7]

Regarding consolidation, Prof. H. S. Jevons says:

> "The principles which should guide the choice of a method of carrying out the re-organization of villages on the lines above described are the following. In the first place compulsion should be avoided as far as possible and the principle adopted that no charge should be imposed upon any area unless the owners of more than one-half of that area desire the change. Should this condition be satisfied for an area..... .it would seem expedient that legal power should be taken to compel the minority to accept the redistribution of holdings under the supervision of Government. In the second place.....the expense of the operation should be kept as low as possible.....In the third place considerable elasticity should be permitted in the methods of carrying through the re-organization in the different places during the first few years, as the whole undertaking would be in an experimental stage so that different methods might be tried, and the best be ultimately selected for a permanent set of regulations. Fourthly, the possible necessity for a considerable change of the existing tenancy law in the re-organised villages must be faced..... .. .For the sake of completeness I may add as a fifth principle the obvious condition that redistribution of land must be made upon the most equitable basis possible, and that liberal compensation should be given to those, if any, who may be excluded from a former cultivating ownership." [8]

As for procedure in the compulsory consolidation of holdings both Prof. Jevons and the Baroda Committee propose the appointment of Commissioners to hear applications for consolidation and to carry it out, leaving to any objector the right to petition the Court to stay the proceedings in case he felt that an injustice was being done to him.

The problem of perpetuating such a consolidated holding will next demand the care of the legislator. It is accepted without question by many that the law of inheritance that prevails among the Hindus and the Mohomedans is responsible for the sub-division of land. On the death of a Hindu or a Mahomedan his heirs are entitled without let or hindrance to equal shares in the property of the deceased. Now a consolidated holding subject to the operation of such a law of inheritance will certainly not endure for long. It will be the task of Sisyphus over again if, after consolidation, the law of inheritance were to remain unaltered.

7. R. B.C. . p. 35.

8. The Consolidation of Agicultural Holdings in the United Provinces, 1918, pp. 45-46. The author is grateful to Prof. Jevons for a copy.

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But how is the existing law of inheritance to be changed ? If it is not to be the law of equal sub-division shall we have the law of primogeniture.[9] The Baroda Committee thanks that,—

> "It is not necessary that it should be introduced. All that it wanted is, that there should not be sub-divisions of land beyond a certain limit, which may be fixed for the sake of good agriculture. There is no objection to a holding being sub-divided, so long as by so doing each of the parts does not become less than the limit fixed for the sub-division of land. But when a holding reaches a stage to render further sub-division uneconomic, the other members of the family may not be allowed to force further sub-division of the holding. Instead of being sub-divided, it may be either cultivated in common or be given to one of the members of the family as a whole, and that member made to pay amounts equal to the value of their shares as compensation to the other members."[10]

The principle of not dividing immovable property among the heirs, when division would result in inconveniently small shares, but of giving to the highest bidder among the sharers or in case none of them is willing to have it, to outside bidders, and dividing the money realized in proportion to the recognized shares, has been accepted in the Indian Partition Act, No. 4 of 1893, section 2 of which runs thus :

> "Whenever in any suit for partition, in which, if instituted prior to the commencement of this Act, a decree for partition might have been made, it appears to the Court that, by reason of the nature of the property to which the suit relates, or of the number of the shareholders therein or of any other special circumstance, a division of the property cannot reasonably or conveniently be made and that a sale of the property and distribution of proceeds would be more beneficial for all the share-holders, the Court may, if it thinks fit, on the request of any such share-holder interested individually or collectively to the extent of one moiety or upwards direct a sale of the property and a distribution of the proceeds."

Granting the advisability of thus changing the law of inheritance it only requires to amend the Civil Procedure Code so as to make it obligatory on the Courts to refuse partition whenever it would reduce a field beyond the economic limit fixed in advance.

9. Besides these two systems of inheritance there is a third which allows a father liberty to do as he likes with a part of his estate provided he leaves sufficient for his heir to constitute what is called *pars legitima*. Under it the Germans have enacted a permissive law of *Anerbenrecht* designed to obviate the effects of the law of inheritance in causing unnecessary sub-division of land. In some aspects it anticipates the proposals of the Baroda Committee; in others those of the Hon. Mr. Keatings. For a description of it *see* Prof. N. G. Pierson's Principles of Economics, Vol. II, pp. 286-90.

10. R.B.C., p. 26.

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Another method of dealing with the problem is advocated by the Hon. Mr. G. F. Keatinge, Director of Agriculture, Bombay Presidency. In the Statement of Objects and Reasons appended to his draft bill he says :

> "4..... . The object of this bill is to enable such landowners as may wish to do so to check the further sub-division of their lands and to enable them, when it is otherwise possible, to effect a permanent consolidation of their holdings; and also to enable the executive government to secure the same results in respect of unoccupied land. The legislation proposed is purely enabling, and it will be operative in the case of any holding only upon the expressed wish of any person possessing an interest in that holding.
>
> "5. The scheme embodied in this bill for securing these objects is briefly as follows. In order to be constituted an economic holding a plot of land must be entered as such in a register prescribed by rules. If the land is occupied, it will rest with some person having an interest in the land to make an application to the Collector to have the land registered as an economic holding..... . Unless the Collector considers that there are sufficient grounds for rejecting the application, he holds a careful enquiry in which he follows a procedure similar to that prescribed in the Land Acquisition Act, 1894. If the proceedings show that all persons interested agree, the land is registered. Land vesting absolutely in Government may be registered without inquiry. The holding must in any case be registered in one name only, and the act of registration annuls all the interest of all other persons, except the registered owner, in the holding. Thereafter the owner cannot divide the plot but must so long as he owns it, keep it entire. He may sell, mortgage or otherwise dispose of it as an entire unit, but not dispose of part of it or do anything that might result in splitting up the holding. On the death of the holder, if he has not disposed of the land by will it will devolve upon a single heir. If the provisions of the bill are contravened (for instance if the holder mortgages a part of his holding and the mortgagee obtains a decree for possession), the Collector is empowered to send a certificate to the Court, and the Court will set aside its decree or order. The Collector may also evict a person in wrongful possession. When a plot has been once constituted an economic holding, the registration cannot be cancelled except with the consent of the Collector; the grounds on which cancellation will be allowed, will be laid down by rule and it is proposed that it shall be permitted chiefly in cases where economic considerations indicate that it is expedient."

Summing up this discussion of the two issues of consolidation, it must be said that the problem has not been viewed as a whole by all its advocates. The Baroda Committee alone endeavours to consolidate as well as to preserve

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the consolidated holding. Prof. Jevons makes no provision to conserve the results of consolidation. Mr. Keatinge does not deal with consolidation at all. He is concerned only with the prevention of *further* fragmentation. But fragmentation, there will be in a holding even after it is entered as an economic holding. By his measure he will only succeed in preserving the holdings as they will be found at the time of registration, i.e., he will not allow them to be reduced in size. But they will be small and scattered all the same. Mr. Keatinge, notwithstanding his legislation, leaves the situation more or less as it exists. Real consolidation is, however, aimed at by Prof. Jevons and the Baroda Committee. The principles they advocate for the purpose are almost the same ; and so are their procedures for carrying it out.

As for the preservation of consolidated holdings Mr. Keatinge as well as the Baroda Committee establish the one-man rule of succession. The Baroda Committee would adopt this rule only when division of land would result in uneconomic holdings and then too would compel the successor to buy off the claims of the other dispossessed heirs. Mr. Keatinge would let the dispossessed heirs off without compensation.

A more serious criticism against these projects of consolidation consists in the fact they have failed to recognize that a consolidated holding must be an enlarged holding as well. If it is said that Indian agriculture suffers from *small* and *scattered* holdings we must not only consolidate, but also enlarge them. It must be borne in mind that consolidation may obviate the evils of scattered holdings, but it will not obviate the evils of small holdings unless the consolidated holding is an economic, i.e. an enlarged holding. The Committee as well as Mr. Keatinge have entirely lost sight of this aspect of the question. Prof. Jevons, alone of the advocates, keeps it constantly before his mind that consolidation must bring about in its train the enlargement of holdings.

IV

ENLARGEMENT

Granted that enlargement of holdings is as important as their consolidation we will now turn to the discussion of regulating their size. It is desired by all interested in our agriculture that our holdings should be economic holdings. We would have been more thankful to the inventors of this new, precise and scientific terminology had they given us a precise and scientific definition of an economic holding. On the other hand, it is believed that a large holding is somehow an economic holding. It may be said that even Prof. Jevons has fallen a victim to this notion. For when discussing what the size of a holding should be he dogmatically states that in the consolidated village the mode

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should be between 29 and 30 acres. [11] But why should the mode be at this point and not at 100 or say 200 ? We might imagine Prof. Jevons to reply that his model point is placed at that particular acreage because it would produce enough for a farmer to sustain a higher standard of living. Raising the general standard of living in India is the one string on which Prof. Jevons harps even to weariness throughout his pamphlet.[12] The error underlying this doctrine we shall consider later on. It is enough to say that he does not give any sound economic reason for his model farm.

The case with the Baroda Committee is much worse, Prof. Jevons at least sticks to one definition of an ideal economic holding; but the Report of the Baroda Committee suffers from a plurality of definitions. While comenting on the size of an average holding in the state as is summarized in the above table, it should be noted that the Committee, though it desired consolidation, was perfectly satisfied with the existing size of the holding as is clear, from the following:

> "If the average holding of a Khatedar was a .compact field of those figures, the situation would be an ideal one and would not leave much to be desired."[13]

But absent-minded as it were, the Committee, without any searching analysis of the question it was appointed to investigate and report upon, lays down that:

> "An ideal economic holding would consist of 30 to 50 bighas of fair land in one block with at least one good irrigation well and a house situated in the holding."[14]

If the size of existing holdings is an ideal size why should they be enlarged ? To this, the Committee gives no answer. But this is not all. The Committee does not even adhere to the *quantitative* limit it has already set down to its ideal economic holding. When it comes to discuss the project of re-arrangement of the scattered fields of the village on the principle of "Economic unit" it presents a third ideal of an economic holding. To realize this ideal it says :

> "Each of these new plots must be of such a size, as having regard to the local conditions of soil, tillage, etc., to form an Economic field, i.e., a parcel of land necessary to keep fully engaged and support one family."[15]

Thus with perfect equanimiy (1) the Baroda Committee holds, not too fast, to three notions of an ideal economic holding. No wonder then that the Report of the Committee is a model of confused reasoning though it is a valuable repository of facts bearing on the subject.

11. Opt. Cit. chart on p. 38.
12. Opt. Cit. Introduction.
13. *Ibid.,* p. 4.
14. R.B.C., p. 31.
15. *Ibid.,* p. 53.

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According to the Hon. Mr. Keatinge an economic holding is :—

> "a holding which allows a man chance of producing sufficient to support himself and his family in reasonable comfort, after paying his necessary expenses."[16]

His definition of an economic holding will be accepted, we may expect, by the Baroda Committee; for, it does not differ from its own, given above as third in order. Assuming they agree, we may now proceed to see how far tenable this definition is.

It is plain that these definitions including that of Professor Jevons view an economic holding from the stand-point of consumption rather than of production. In this lies their error; for consumption is not the correct standard by which to judge the economic character of a holding. It would be perverse accounting to condemn a farm as not paying because its total output does not support the family of the farmer though as a *pro-rata* return for each of his investments it is the highest. The family of a farmer can only be looked upon in the light of so much labour corps at his disposal. It may well be that some portion of this labour corps is superfluous, though it has to be supported merely in obedience to social custom as is the case in India. But if our social custom compels a farmer to support some of his family members even when he cannot effectively make any use of them on his farm we must be careful not to find fault with the produce of the farm because it does not suffice to provide for the workers as well as the dependants that may happen to compose the family. The adoption of such an accounting system will declare many enterprises as failures when they will be the most successful. There can be no true economic relation between the family of the entrepreneur and the total out-turn of his farm or industry. True economic relation can subsist only between the total out-turn and the investments. If the total out-turn pays for all the investments no producer in his senses will ever contemplate closing his industry because the total out-turn does not support his family. This is evident; for though production is for the purpose of consumption it is for the consumption only of those who help to produce. It follows, then, that if the relation between out-turn and investments is a true economic relation, we can only speak of a farm as economic, i.e., paying in the sense of production and not in the sense of consumption. Any definition, therefore, that leans on consumption mistakes the nature of an economic holding which is essentially an enterprise in production.

Before going further, we must clear the ground by a few preliminary remarks to facilitate the understanding of an economic holding from the standpoint of production.

16. Rural Economy in the Bombay Deccan, p. 51.

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It must be premised at the outset that in a competitive society the daily transactions of its members, as consumers or producers, are controlled by a price regime. It is production, then, in a price regime that we have to analyse here for our purpose. In the main the modern process of production is captained by the entrepreneur, is guided and supervised by him and is worked out through him. All employers of labour or hirers of instrumental goods are entrepreneurs. His computations run, as they must, in a pecuniary society, in terms of price-outlay as over against price-product, no matter whether the prospective product is offered for sale or not. The entrepreneur, in producing for gain, apportions his outlays in varieties of investments. These investments, the same as factors of production or costs to the entrepreneur, have by tradition been confined to wages (labour) profits, rent (land) and interest (capital). Industrial facts do not support this classification. There are many other factors, it is contended, which as they share in the distributive process must have functioned in the productive process, in some way immediate or remote. But it is immaterial how many factors there are and whether they differ in kind or degree. What is important for the purpose of production is the process of combining them.

This combination of necessary factors of production is governed by a law called the law of proportion. It lays down that disadvantage is bound to attend upon a wrong proportion among the various factors of production employed in a concern. Enlarged, the principle means that as a certain volume of one factor has the capacity to work only with a certain volume of another to give maximum efficiency to both, an excess or defect in the volume of one in comparison with those of the others will tell on the total output by curtailing the efficiency of all. Having regard then to this interdependence of factors, an economically efficient combination of them compels the producer if he were to vary the one to vary the rest correspondingly. Neither can it be otherwise. For, the chief object of an efficient production consists in making every factor in the concern contribute its highest; and it can do that only when it can co-operate with its fellow of the required capacity. Thus, there is an ideal of proportions that ought to subsist among the various factors combined, though the ideal will vary with the changes in the proportions.[17]

These proportions it must be acknowledged are affected by the principle of substitution chiefly brought into play owing to variations in the prices of the factors. But this principle of substitution is too limited in its application to invalidate the law of proportion which is the law governing all

17. This description of the process of production is pieced together from the remarks of Prof. H. J. Davenport in his masterly treatise "The Economics of Enterprize" New York. Macmilian, 1913, In this connection see also the able paper by Prof. Henry C. Taylor on "Two Dimensions of Productivity" read before the 29th Annual Meeting of the American Economic Association held in December 1916 and the remarks on the same by Prof. A. A. Young. Both these will be found in the American Economic Review for March 1917.

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economic production and which no producer can hope to ignore with impunity.[18]

Bringing to bear the above remarks regarding production on the definition of an economic holding, we can postulate that if agriculture is to be treated as an economic enterprise, then, by itself, there could be no such thing as a large or a small holding. To a farmer a holding is too small or too large for the other factors of production at his disposal necessary for carrying on the cultivation of his holding as an economic enterprise. Mere size of land is empty of all economic connotation. Consequently, it cannot possibly be the language of economic science to say that a large holding is economic while a small holding is uneconomic. It is the right or wrong proportion of other factors of production to a unit of land that renders the latter economic or uneconomic. Thus a small farm may be economic as well as a large farm ; for, economic or uneconomic does not depend upon the size of land but upon the due proportion among all the factors including land.

An economic holding, therefore, if it is not to be a hollow concept, consists in a combination of land, capital and labour, etc., in a proportion such that the *pro rata* contribution of each in conjunction with the rest is the highest. In other words to create an economic holding it will not do for a farmer solely to manipulate his piece of land. He must also have the other instruments of production required for the efficient cultivation of his holding and must maintain a due proportion of all the factors for, without it, there can be no efficient production. If his equipment shrinks, his holding must also shrink. If his equipment augments, his holding must also augment. The point is that his equipment and his holding must not be *out* of proportion to each other. They must be *in* proportion and must vary, if need be, in proportion.

The line of argument followed above is not without support from actual practice. It is happy from an economist's point of view, to find it recognized and adopted in India itself by the fathers of the Survey and Settlement System in the Bombay Presidency. The famous Joint Report (1840) contains an illuminating discussion of the problem. The question before the officers deputed to introduce the Survey System in the Deccan was how to levy the assessment. Was it to be a field assessment or an assessment to be placed on the whole lands of the village or on the entire holdings of individuals or co-parceners, whether proprietors or occupants. That after

18. Some economists who hold that it is the law of Diminishing Returns that governs agricultural production will demur to the universal applicability that is claimed for the Law of Proportion. Briefly stated the Law of Dininishing Returns asserts that additional 'doses' of capital and labour administered to a given piece of land will be responded to by a less and less yield. This means that if only the *non-land* expense of production is doubled there results less than a doubled product. But if this is the fact that is intended to be generallised by the Law of Diminishing Returns then there is nothing in it that is peculiar to agricultural production. If' the expense to the land be doubled but the land not doubled it is certain that the extra return will fall short of the increased expense. This is simply another way of saying that if the returns are to grow all the factors must be increased in proportion. But so stated is not the Law of Diminishing Returns a confused version of the Law of Proportion?

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much deliberation the system of field assessment was finally adopted is known to many. But as the reasons that led to its adoption are known only to a few the following explanatory parts from the Joint report will be found to be both interesting and instructive:

> "Para 6. That one manifest advantage of breaking up the assessment of a village into portions so minute [as indicated by a survey number] is the facility it affords to the cultivators of contracting or enlarging his farm from year to year, according to the fluctuating amount of agricultural capital at their disposal which is of incalculable importance to farmers possessed of so limited resources as those of the cultivating classes throughout India.
>
> "Para 7. The loss of a few bullocks by disease or other causes may quite incapacitate a ryot from cultivating profitably the extent of land he had previously in village and, without the privilege of contracting his farm, and consequent liabilities on occassion of such loss, his ruin would be very shortly consummated."[19]

Judging in the light of this conclusion the proposal to regulate the size of holdings appears ill-considered and futile. For as Prof. Richard T. Ely observes[20] :

> "Obviously no simple answer can be given to the question [as to what should be the size of a farm]. The value of land or the rent it will bring is perhaps the most important factor.....In addition to the factor of rent the amount of capital that he can command, the kind of fanning in which he is most skilled, the character of the labour he can secure, the proximity of markets, and the adequacy of transportation facilities, all must be taken into account by the farmer in determining how large a farm he will attempt to manage and how intensively he will farm it.
>
> "*This question is primarily one of private profit which the individual must decide for himself,* but the legislator and the scientific student can be of some assistance in helping to develope that most difficult branch of commercial science—farm accounting—and in keeping the farmer alive to those charges in prices, wages, and transportation charges to which the farm organization must adjust itself."

To those who have the temerity to fix the size of a holding Prof. Ely's well-considered opinion will bring home that in spite of good intentions their vicarious mission will end in disaster; for none but the cultivator can decide what should be the size of his holding. They would do well to remember that the size of his holdings will vary in time. Consequent to

19. Survey Settlement Manual Bombay Presidency, 1882. p. 3.

20. Outlines of Economics, pp. 531-32 (Italics ours).

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the changes in his equipment with which he has to adjust the size of his farm, at one point in time he will decide in favour of a small, as at another he will decide in favour of a large holding. He would therefore be a poor economist who would legally fix the size of the holding which in the interest of economic production must be left to vary when variation is demanded. By fixing the size of a holding he can only make it a large holding but not an economic holding. For an economic holding is not a matter of the size of land alone but is a matter of the adjustment of a piece of land to the necessary equipment for its efficient cultivation.

V

CRITIQUE OF THE REMEDIES

The proposal to enlarge the existing holdings which is brought forward as a cure to the ills of our agriculture can be entertained only if it is shown that farms have diminshed in size while the agricultural stock has increased in amount. Facts regarding the size of farms have already been recorded. It only remains to see if the agricultural stock has increased- Mr. K. L. Datta in his exhaustive survey says[21] :

> "178. Most of the Indian witnesses, whom we examined, appeared to be under the belief that there has been a decrease in the supply of agricultural products, owing to the inefficient tillage of land. It was said that land is not now cultivated as carefully and efficiently as before, owing to the *scarcity and dearness of plough, cattle and labour*. In order to effect, a saving in the cost of cultivation, cultivators do not also plough their lands as often as they did before, and manuring and weeding, as also the amount of irrigating where wells are used for the purpose, have all been reduced."

> "179. As regards the scarcity of plough cattle..... (the) figures bear testimony to the deplorable effects of famine, the inevitable result of which has always been to reduce the number of cattle, though the deficiency is generally made good in a few years if otherwise favourable. The number of plough cattle in the latest year (1908-09) included in the statement was lower than in the commencement (1893-94), in some of the circles namely Assam, Bundelkhund. Agra Provinces—North and West, Gujarat, Deccan, Berar, Madras-North and Madras-West. Although great reliance cannot be placed on these statistics, they can be accepted as showing that in some areas at any rate there has been a dearth of plough cattle."

Regarding the existence of capital Mr. Elliot James says :

> "The ryots have a keen eye to the results of a good system of farming as exhibited on model farms, but they cannot derive much good from

21. Report on the Enquiry into the Rise of Prices in India, 1914, Vol. 1, pp. 66-67, (Italics ours).

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the knowledge though they may take it in and thoroughly understand that superior tillage and proper manuring mean a greater out turn in crops. Their great want is *capital*."[22]

The farmer knows, says the same author, that his agricultural equipment is inefficient and antiquated but he cannot substitute better ones in its place for :

"A superior class of cattle and superior farm implements mean to him so much outlay of what he has not—Money."

Similar facts for the Baroda State have been collected in another connection by Mr. M. B. Nanavali, Director of Commerce and Industry. But unfortunately he did not bring his knowledge of such facts to bear upon the conclusions of the Committee for the consolidation of holdings in the State of which he was also a member, apparently thinking that the size of a holding bore no relation to the instruments of production. He bemoans that:

"The farmers are not fully equipped with draught-cattle. They have today (1913) 8,34,901 bullocks, etc., for use on farms, that is one pair for 36 bighas of land. On an average a pair of good bullocks can cultivate 25 bighas of land. But the present breed has much deteriorated and one pair is supposed to cultivate 20 bighas at the most, while the present actual averages comes to about 36 bighas. Under the circumstances it is not likely that ploughing can be deep. It must be like scratching the surface. The small cultivators do not possess any draught-cattle or at the most a single one and cultivate land in co-operation with their friends similarly situated. As for farm implements there are 1,54,364 ploughs in the State, i.e., one for two Khatedars. It must be understood here that the number of cultivators and tenants is much more than three lakhs. Every one of them needs full equipment. Therefore actually the average must be much smaller than shown above."[23]

In fact the equipment for agricultural production in the State has considerably deteriorated since 1898 as shown by the table below :

Year		Plough	Carts	Plough Cattle	Other Domestics
1898	..	1,75,989	....	4,15,089	5,70,517
1910	..	1,51,664	68,946	3,34,801	5,09,416

Given, this state of affairs can we not say with more propriety that not only the existing equipment is inadequate for the enlarged holdings but

22 Indian Industries, p. 6.

23. Report on Agricultural Indebtedness in the Baroda State, 1913, para. 35.

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that the existing holdings, small as they are, are too big for the available instruments of production other than land ? *Facts such as these interpreted in the light of our theory force upon us the conclusion that the existing holdings are uneconomic, not, however, in the sense that they are too small but that they are too large.* Shall we therefore argue that the existing holdings should be further reduced in size with a view to render them economic in the sense in which we have used the term ? Unwary readers might suppose that this is the only logical and inevitable conclusion— a conclusion that is in strange contrast with the main trend of opinion in this country. Contrary, no doubt, the conclusion is ; but it is by no means inevitable. For, from our premises we can with perfect logic and even with more cogency argue for increase in agricultural stock and implements which in turn will necessitate enlarged holdings which will be economic holdings as well.

Consequently the remedy for the ills of agriculture in India does not lie primarily in the matter of enlarging holdings but in the matter of increasing capital and capital goods. That capital arises from saving and that saving is possible where there is surplus is a commonplace of political economy.

Does our agriculture—the main stay of our population—give us any surplus ? We agree with the answer which is unanimously in the negative. We also approve of the remedies that are advocated for turning the deficit economy into a surplus economy, namely by enlarging and consolidating the holdings. What we demur to is the method of realizing this object. For we most strongly hold that *the evil of small holdings in India is not fundamental but is derived from the parent evil of the mal-adjustment in her social economy.* Consequently if we wish to effect a permanent cure we must go to the parent malady.

But before doing that we will show how we suffer by a bad social economy. It has become a tried statement that India is largely an agicultural country. But what is scarcely known is *that notwithstanding the vastness of land under tillage, so little land is cultivated in proportion to her population.*

Mulhall's figures for the year 1895 clearly demonstrate the point.

Acres per inhabitant in 1895

Great Britain	Ireland	France	Germany	Russia	Austria	Italy	Spain and Portugal	U.S.A.	India
0.91	3.30	2.30	1.70	5.60	2.05	1.75	2.90	8.90	1.0

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That since 1895 the situation, however, has gone from bad to worse figures eloquently bear out:

	1881	1891	1901	1911
Bengal	1.5	0.8	1.12	....
Bombay	1.7	1.6	1.41	1.3
Madras	1.3	0.3	.68	.79
Assam	...	0.5	.78	.85
Punjab	1.2	1.3	1.05	1.11
Oudh	.81	0.7	.73	.75
N. W. P.	....	0.8		
Burmah	....	1.5	1.08	1.09
Central P.	1.67	2.4	1.8	1.79
B. India	1.04	1.0	0.86	0.88

Now, what does this extraordinary phenomenon mean ? A large agricultural population with the lowest proportion of land in actual cultivation means that a large part of the agricultural population is superfluous and idle. How much idle labour there is on Indian farms it is not possible to know accurately. Sir James Caird who was the first to notice the existence of this idle labour estimated in 1884 that,

> "A square mile of land in England cultivated highly gives employment to 50 persons, in the proportion 25 men, young and old, and 25 women and boys. If four times that number, or 200, were allowed for each square mile of cultivated land in India, it would take up only one-third of the population."[24]

Out of the total population of 254 millions in 1881 nearly two-thirds were returned as agricultural. Allowing, as per estimate, one-third to be taken up, we can safely say that a population of equal magnitude was lying idle instead of performing any sort of productive labour. With the increasing ruralization of India and a continually decreasing proportion of land under cultivation, the volume of idle labour must have increased to an enormous extent.

The economic effects of this idle labour are two-fold. Firstly, it adds to the tremendous amount of pressure that our agricultural population exerts on land. A quantitative statement will serve to bring home to our mind how high the pressure is:

Mean density per square mile in 1911

	Oudh and N. W. P	Bengal	Madras	Punjab	Bombay	Assam	Berar and C. P.	Coorg	British Burma
of Total Area	427	551	291	177	145	115	122	111	53
of Cultivated Area	829	1162	785	453	444	766	360	792	575

24. India, the Land and the People, p. 225.

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Such high pressure of population on land is probably unknown in any other part of the world. The effect of it is, of course, obvious.

Notwithstanding what others have said, this enormous pressure is the chief cause of the subdivision of land. It is the failure to grasp the working of this pressure on land that makes the law of inheritance such a great grievance. To say that the law of inheritance causes sub-division of land is to give a false view by inverting the real situation. The mere existence of the law cannot be complained of as a grievance. The grievance consists in the fact that it is invoked. But why is it invoked even when it is injurious ? Simply because it is profitable. There is nothing strange in this. When farming is the *only* occupation, to get a small piece of land is better than to have none. Thus the grievance lies in the circumstances which put a premium on these small pieces of land. The premium, is no doubt, due to the large population depending solely on agriculture to eke out its living. Naturally a population that has *little else to prefer to agriculture* will try to invoke every possible cause to get a piece of land however small. It is not therefore the law of inheritance that is the evil, but it is the high pressure on land which brings it into operation. People cultivate the small (piece not because their standard of living is low as Prof. Jevons seems to think[25] but because it is the only profitable thing for them to do at present. If they had something more profitable to do they would never prefer the small piece. It is therefore easy to understand how the universal prevalance of the small farms or *petit culture* is due to this enormous pressure on land.

In spite of the vehement struggle that our agricultural population maintains in trying to engage itself productively as cultivators of a farm however small, it is true that judged by the standard of Sir James Caird a large portion of it is bound to remain idle. Idle labour and idle capital differ in a very important particular. Capital *exists,* but labour *lives*. That is to say capital when idle does not earn, but does not also consume much to keep itself. But labour, earning or not consumes in order to live. Idle

25. Opt. cit. Introduction. The Impression that Prof. Jevons leaves on his readers is that agriculture suffers in India because of the low standard of living. That a higher standard of life once established will necessitate a large holding because people with a high standard of life will prefer to migrate rather than accept a small holding. As his argument that holdings and standard of life are related is likely to mislead his less thoughtful readers, a word of comment is necessary. A standard of living is merely a level of consumption fixed in habit. But what determines the depth of a particular level of consumption? Undoubtedly the level of production. We may grant the truth of the statement that a rise in the standard of living works as a stimulus to higher production but it is foolish to expect mere wish to be father to the deed. It is *actual* production alone that can support rise in the standard and not wish, generated though it be either by "travel or education". If Prof. Jevons means that an opportunity for increased production, leading to a higher standard of life, will disfavour small holdings we are one with him. But he can make himself more intelligible by dropping standard of living and only arguing for increased production; that increased production leads to a rise in standard will be granted by all; but the reverse cannot be maintained Prof. Jevons seems to do, for it may lead to production or predation. To speak of raising the standard of life without speaking of increased production is to give expression to a pious wish, if it does not lead to mischief.

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labour is, therefore, a calamity ; for if it cannot live by production as it should, it will live by predation as it must. This idle labour has been the canker of India gnawing at its vitals. Instead of contributing to our national dividend it is eating up what little there is of it. Thus the depression of our national dividend is another important effect of this idle labour. The income of a society as of an individual proceeds (1) from the efforts made, and (2) from possessions used. It may be safely asserted that the aggregate income of any individual or society must be derived either from the proceeds of the current labour or from productive possession already acquired. All that society can have today it must acquire today or must take out of its past product. Judging by this criterion a large portion of our society makes very little current effort; nor does it have any very extensive possessions from which to derive its sustenance. No doubt then that our economic organization is conspicuous by want of capital. Capital is but crystallized surplus ; and surplus depends upon the proceeds of effort. But where there is no effort there is no earning, no surplus, and no capital.

We have thus shown how our bad social economy is responsible for the ills of our agriculture. We have also proved how our entire dependence on agriculture leads to small and scattered farms. How a large portion of our population which our agriculture cannot productively employ is obliged to remain idle has been made clear. We have also shown how the existence of this idle labour makes ours a country without capital. This being our analysis of the problem, it will be easy to see why the remedies for consolidation and enlargement under the existing social economy are bound to fail.

Those who look on small holdings as the fundamental evil naturally advocate their enlargement. This, however, is a faulty political economy and as Thomas Arnold once said "a faulty political economy is the fruitful parent of crime". Apart from the fact that merely to enlarge the holding is not to make it economic, this project of artificial enlargement is fraught with many social ills. The future in the shape of an army of landless and dispossessed men that it is bound to give rise to is neither cheerful from the individual, nor agreeable from the national, point of view. But even if we enlarged the existing holdings and procured enough capital and capital goods to make them economic, we will not only be not advocating the proper remedy but will end in aggravating the evils by adding to our stock of idle labour; for capitalistic agriculture will not need as many hands as are now required by our present day methods of cultivation.

But if enlargement is not possible, can we not have consolidation? It can be shown that under the existing social economy even consolidation is not possible. The remedy for preventing sub-division and fragmentation

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of consolidated holdings cannot be expected to bring real relief. Instead it will only serve to be a legal eyewash. This becomes easy of comprehension if we realize at the start what the one man rule of succession means in actual practice. For this we shall have to note the changes it will introduce in the survey records. At present according to the Bombay Land Revenue Code Chapter I, Section 3, clause (6).

"Survey Number" means a portion of land of which the area and other particulars are separately entered, under an indicative number in the survey records of the village, town or city in which it is situated, and includes a recognized share of a survey number. Again by clause (7).

"Recognized share of a survey number" means a sub-division of a survey number separately assessed and registered.

After the adoption of the one man rule of succession a survey number will be made to cover a piece of land which will be of the size fixed for an ideal economic holding. Secondly, it will be necessary to refuse separate registration to any sub-division of such a survey number ; i.e., in order that a piece of land should be registered with a separate and a distinct survey number it must not be below the economic limit. Then too this survey number covering a piece of land large enough to be styled economic will be registered in the name of one person. This is precisely what will happen if we put into practice the project of the Baroda Committee. Mr. Keatinge instead of having one survey number covering a large and compact holding will have in the name of one person many survey numbers covering a unit of land composed of small and scattered fields. Abandoning Mr. Keatinge's scheme as serving no practical purpose *the one man rule of succession to a consolidated holding means in practice refusal to recognize legally a piece of land if it were below a certain size.* Now this refusal to recognize smaller pieces of land, it is claimed, will prevent the sub-division of a consolidated holding. Sub-division of land may be due to many causes the operation of which is rendered economic or uneconomic by the nature of the occasion which evokes it. Not to allow sub-division on any ground, as does Mr. Keatinge, is to cause a serious depreciation of the value of land. But if sub-division is needed as when the stock has depleted, not to grant it is to create an uneconomic situation—a result just opposite of what is intended to be achieved, apart from this to prevent sub-division legally is not to prevent it actually, if necessitated by the weight of economic circumstances. Granting the pressure of population on land and the scanty agricultural equipment—evils to which the authors of consolidation and enlargement have paid no attention—we must look forward to the sub-division of holdings. If we legislate in the face of this inevitable tendency and refuse to record on our survey roll holdings below a certain limit required for a separate survey number we will not only fail to cure what we must know

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we cannot, atleast by this means, but will help to create a register that will be false to the true situation.

This being our criticism of the means for preventing sub-division and fragmentation it will not take us long to state our view as regards the project of consolidation. Consolidation and its conservation are so intimately connected that the one cannot be thought of without the other. Now if we cannot conserve a consolidated holding, is it worth our while to consolidate, however feasible the project may be ? This work of Sysiphus will not fail to fall to our lot unless we make effective changes in our social economy.

As the evils of this surplus and idle labour which will be added on to by the consolidation and enlargement of holdings are likely to outweigh their advantages', the proposals do not find much favour at the hands of Prof. Gilbert Slater.[26]

As against Prof. Slater we hold that the evils are avoidable and it is because we are anxious to avoid them that we wish to advocate different remedies for bringing about the enlargement of holdings. Consequently, we maintain that our efforts should be primarily directed towards this idle labour.[27]

If we succeed in sponging off this labour in non-agricultural channels of production we will at one stroke lessen the pressure and destroy the premium that at present weighs heavily on land in India. Besides, this labour when productively employed will cease to live by predation as it does to-day, and will not only earn its keep but will give us surplus; and more surplus is more capital. In short, strange though it may seem, *industrialization of India is the soundest remedy for the agricultural problems of India.* The cumulative effects of industralization, namely, a lessening pressure and an increasing amount of capital and capital goods will forcibly create the economic necessity of enlarging the holding. Not only this, but industralization by destroying the premium on land will give rise to few occasions for its sub-division and fragmentation. Industrialization is a natural and powerful remedy and is to be preferred to such ill-conceived projects as we have considered above. By legislation we will get a sham economic holding at the cost of many social ills. But by industrialization a large economic holding will force itself upon us as a pure gain.

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26. "The village in the Melting Pot" Journal of the Indian Economic Society. Vol. 1, No. 1, p. 10.

27. Prof. Jevons does speak of removing the surplus agricultural population to towns. The author is happy to note that Prof. Jevons had recognised that there is the evil of surplus population. What he has failed to recognize is that this evil is the faithful parent of all other evils that affect our agriculture. When it is recalled that industrialization of India is the one theme against which Prof. Jevons never fails to argue with all the aid of his knowledge and influence, his remedy of removing the surplus population to towns sounds starnge; for migration to towns is simply euphemism for the industrialization of India. On the other hand Prof. Jevons has forgotten that there are few towns in India. If we believe, as does Prof. Jevons, that there is the evil of surplus population the only logical and inevitable conclusion, however unplatable it be, is the creations of more towns i.e,, industrialization.

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Our remedy for the enlargement as for the consolidation of holdings as well as the preservation of consolidated holdings reduces itself to this: We prefer to cure agriculture by the reflex effects of industrialization. Lest this might be deemed visionary we proceed to give evidence in support of our view. How agriculture improves by the reflex effects of industrialization has been studied in the United States in the year 1883. We shall quote *in extenso* the summary given by the London Times:

> "The statistician of the Agricultural Department of the United States has shown in a recent report that the value of farm lands decreases in exact proportion as the ratio of agriculture to other industries increases. That is, where all the labour is devoted to agriculture, the land is worth less than where only half of the people are farm labourers ; and where only a quarter of them are so engaged the farms and their product are still more valuable. It is, in fact, proved by statistics that diversified industries are of the greatest value to a Stale, and that the presence of a manufactory near a farm increases the value of the farm and its crops. It is further established that, dividing the United States into four sections or classes, with reference to the ratio of agricultural workers to the whole population, and putting those States having less than 30 per cent of agriculture and of agricultural labourers in the first class, all having over 30 and less than 50 in the second, those between 50 and 70 in the third, and those having 70 or more in the fourth, the value of farms is in inverse ratio to the agricultural population, and that where as in the purely agricultural section, the fourth class, the value of farms per acre is only $ 5.28, in the next class it is $ 13.03, in the third $ 22.21, and in manufacturing districts $ 40.91. This shows an enormous advantage for a mixed district. Yet not only is the land more valuable the production per acre is greater, and the wages paid to farm hands larger. Manufactures and varied industries thus not only benefit the manufacturers, but are of equal benefit and advantage to the farmers as well."

This will show that ours is a proven remedy. It can be laid down without fear of challenge that industrialization will foster the enlargement of holdings and that it will be the most effective barrier against sub-division and fragmentation. Agreeing in this, it may be observed that industrialization will not be a sufficient remedy for consolidation. That it will require *direct* remedies may be true. But it is also true that industrialization, though it may not bring about consolidation, will facilitate consolidation. It is an incontrovertible truth that so long as there is the premium on land consolidation will not be easy, no matter on how equitable principles it is proposed to be carried out. Is it a small service if industrialization lessens the premium as it inevitably must ? Certainly not. Consideration of another aspect of consolidation as well points to the same conclusion : That

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industrialization must precede consolidation. It should never be forgotten that unless we have constructed an effective barrier against the future subdivision and fragmentation of a consolidated holding it is idle to lay out plans for consolidation. Such a barrier can only be found in industrialization ; for it alone can reduce the extreme pressure which, as we have shown, causes subdivision of land. Thus, if small and scattered holdings are the ills from which our agriculture is suffering to cure it of them is undeniably to industrialize.

But just where does India stand as an industrial country ? :

	England and Wales		Germany		U. S. A.		France		India	
	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban	Rural	Urban
1790	..	..	..	..	87.5	..	..	. .	. .	. .
1840	..	..	..	..	77.5	..	75.6	24.4	. .	. .
1851	49.92	50.08	..	..	..	..	..	. .	. .	. .
1871	38.20	61.80	..	36	47.6	..	..	. .	. .	. .
1881	32.1	67.9	..	41	44.3	29.5	..	. .	. .	. .
1891	27.95	72.05	..	47	39.2	36 1	..	. .	64.4	. .
1901	23.00	77.00	..	54	35.7	40.5	..	. .	67.5	. .
1911	19.9	78.1	..	..	33.3	46.3	57.9	42.1	71.5	. .

(The figures for the various countries do not correspond with the years. The range of variation is 3 years),

Sir Robert Giffen after a survey of the economic tendencies of various countries concludes that;

> "The wants of men increasing with their resources the proportion of people engaged in agiculture and mining and analogous pursuits, in every country is destined to decline, and that of people engaged in miscellaneous industry—in other words in manufactures using the latter phrase in a wide sense to increase."[28]

Figures for India, however, run counter to this dictum illustrating a universal tendency observed by an expert. While other countries like the U.S.A. starting as agricultural are progressively becoming industrial, India has been gradually undergoing the woeful process of de-urbanization and swelling the volume of her rural population beyond all needs. The earlier we stem this ominous tide, the better. For notwithstanding what interested persons might say[29] no truer and more wholesome words of caution were ever uttered regarding our national economy than those by Sir Henry Cotton when he said "**There is danger of too much agriculture in India.**"

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28. "Essays in Finance" 2nd Series, p. 240.

29. Prof. Jevons in his paper on the "Capitalistic Development of Agriculture" read before the Indian Industrial Conference, held at Bombay in December 1915 argues against industrialisation. It can however be maintained against Prof. Jevons that it is industrialisation only that can make capitalistic agriculture possible. As a needful corrective to his paper *cf.* Sir Robert Giffen's Essay IV in his Essays in Finance, 1st Series.

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12

MR. RUSSELL AND THE RECONSTRUCTION OF SOCIETY

Review on
the " Principles of Social Reconstruction"
by
the Hon'ble Mr. Bertrand Russell

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MR. RUSSELL AND THE RECONSTRUCTION OF SOCIETY

The "Principles of Social Reconstruction"[1] by the Honourable Mr. Bertrand Russell is a war book. Bellicose literature, on the whole, is either propagandist or preventive. Mr. Russell's book, though it falls under the latter, must be distinguished from the rest of the same class. Of the preventive books some argue against the unnatural geographical barriers within which have been impounded some unwilling nations by their masterful conquerors : others like Mr. Angell's Great Illusion, attempt to show that in the calculus of war loss prevails over gain even to the victor. Mr. Russell's however, is a diagnosis, altogether different. Wars, he believes, cannot be banished by rationalistic appeals such as above, "It is not by reason alone" he says "that wars can be prevented but by a positive life of impulses and passions antagonistic to those that lead to war. It is the life of impulse that needs to be changed, not only the life of conscious thought".[2] As his diagnosis is different so is his social philosophy. To him, "the chief thing to be learned through the war has been a certain view of the springs of human action what they are, and what we may legitimately hope that they will become. This view, if it is true, seems to afford a basis for political philosophy more capable of standing erect in a time of crisis than the philosophy of traditional liberalism has shown itself to be."[3]

In consonance with this attitude he adopts the standpoint of the behaviouristic psychology.[4] A most important contribution of this new development in the Science of Psychology consists in a novel view of the springs of human action. It has overthrown the doctrine that external

1. London: George Allen and Unwin Ltd. 1917, 6/—net.
2. Principles of Social Reconstruction, p. 13.
3. *Ibid:,* p. 9.
4. Readers of Mr. Russell will do well to aquaint themselves with Prof. E. L. Thorndike's "Educational Psychology", Vol. I, "On the Original Nature of Man".

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circumstances are responsible for man's activity If it were so, contends the behaviourist, it would presuppose a quiescent being which is a biological untruth. Man, it propounds, has the springs of action within him for he is born with certain tendencies to act. External circumstances do not induce activity. They only re-direct it. These tendencies to act, further says the behaviourist, in their working, become modified by the effect of the Social *milieu* in which they function. The modifications which these original tendencies undergo are of the highest importance, They constitute Education in the broadest sense of the word. All modifications, however, are not equally valuable and it is the business of the reformer to eliminate the circumstances and institutions that modify these tendencies for the socially worse and preserve and introduce those that will modify them for the socially better. Whatever that may be, it is of immense social value that these tendencies are capable of indefinite modifications. This is possible only because as Mr. Russell says " Man's impulses are not fixed from the beginning by his native dispositions. Within certain limits, they are profoundly modified by his circumstances and his way of life. The nature of these modifications ought to be studied, and the results of his study ought to be taken account of in judging the good or harm that is done by political and social institutions."[5]

In six illuminating chapters Mr. Russell studies the modifications that human nature has undergone under the institutions of State, War, Property, Education, Marriage and Religion. It is impossible to give an adequate idea of Mr. Russell's social philosophy by summarizing the contents of each one of these chapters. They are living contributions to the literature of the several subjects they deal with. Full of suggestions, they provoke thought and ought therefore to be read from the original. This might be unconventional so far as reviewing is concerned but is justified by the fact that this review is meant for an economic journal for the purposes of which, we need only attend to the analysis of the institution of Property and the modifications it is alleged by Mr. Russell to produce in human nature.

Before, however, proceeding to the task, it may be worth while discussing how the philosophy of war is related to the principles of growth as expounded by Mr. Russell.

At the outset it must be said that, because his is an anti-war book, those who read in him the philosophy of quieticism will have read him all wrong. For, though Mr. Russell is anxious for the abolition of war, he explicitly states that "in spite of all the destruction which is wrought by the impulses that lead to war, there is more hope for a nation which has these impulses

5. Principles of Social Reconstruction, p. 19.

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than for a nation in which all impulse is dead. Impulse is the expression of life and while it exists, there is hope of its turning towards life instead of towards death ; but lack of impulse is death, and out of death no new life will come."[6] He further acknowledges that "a great many of the impulses which now lead nations to go to war are themselves essential to any vigorous or progressive life. Without imagination and love of adventure a society becomes stagnant and begins to decay. Conflict, provided it is not destructive and brutal, is necessary in order to stimulate men's activities and to secure the victory of what is living over what is dead and merely traditional. The wish for the triumph of one's cause, the sense of solidarity with large bodies of men, are not things which a wise man will wish to destroy. It is only the outcome in death and destruction and hatred that is evil. The problem is to keep these impulses without making war the outlet for them."[7]

The gist of it all is that *activity is the condition of growth*. Mr. Russell, it must be emphasized, is against war but is not for quieticism ; for, according to him, activity leads to growth and quieticism is but another name for death. To express it in the language of Professor Dewey he is only against "force as violence" but is all for "force as energy." It must be remembered by those who are opposed to force that without the use of it all ideals will remain empty just as without some ideal or purpose (conscious or otherwise) all activity will be no more than mere fruitless fooling. Ends and means (= force in operation) are therefore concomitants and the common adage that the end justifies the means contains a profound truth which is perverted simply because it is misunderstood. For if the end does not justify the means what else will? The difficulty is that we do not sufficiently control the operations of the means once employed for the achieving of some end. For a means when once employed liberates *many* ends—a fact scarcely recognised—and not the one only we wish it to produce. However, in our fanaticism for achievement we attach the article "the" to the end we cherish and pay no heed to the ends simultaneously liberated. Of course for the exigencies of an eminently practical life we must set an absolute value on some one end. But in doing this we must take precaution that the other ends involved are not sacrificed. Thus, the problem is that if we are to use force, as we must, to achieve something, we must see that while working for one end we do not destroy, in the process, other ends equally worthy of maintenance. Applying this to the present war, no justification. I think, is needed for the use of force. What needs to the justified is the destructive violence. The justification must satisfy the world that the ends given prominence to by one or other of

6. Principles of Social Reconstruction, p. 21.

7. *Ibid.,* p. 93.

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the combatants could not be achieved otherwise than by violence, i.e., without involving the sacrifice of other ends equally valuable for the stability of the world. True enough that violence cannot always be avoided and non-resistance can be adopted only when it is a better way of resistance. But the responsibility for an intelligent control of force rests on us all. In short, the point is that to achieve anything we must use force : only we must use it constructively as energy and not destructively as violence.

The length of this discussion of the philosophy of war as related to the principles of growth can be justified, if need be, by more extenuating circumstances than one. The present European war has brought into unmeasured and even thoughtless censure the philosophy of force and has ushered to the forefront the gospel of quieticism and the doctrine of non-resistance. The fact that Mr. Russell's is an anti-war book, the author of which was sentenced to six months' goal, not for writing the book under review but for being a pacifist crank, will be construed to lend its support to the lurking desire in many a mind for a passive life as a natural reaction from the turmoil of war. It was therefore necessary to know how far Mr. Russell shared in this condemnation of force. A second justifying circumstance is furnished by the bias in the minds of the Indian readers of Mr. Russell. It will be realized that what is advocated to take the place of the philosophy of force is essentially an Eastern philosophy or to be specific, Indian philosophy. It was therefore much more important to present Indian readers of Mr. Russell with a correct interpretation of his attitude. Their innate craving for a pacific life and their philosophic bias for the doctrine of non-resistance, I am afraid, might lead them to read in Mr. Russell a justification of their view of life, if not guarded against.

Is the Indian view of life a practicable view ? Nietzsche in his cynical mood said of Christianity that there was only one Christian and he was crucified-implying the impracticability of the Christian view of life. This remark, if it is true of the Christian, must be true, in a larger degree, of the Eastern view of life as well: for, though regionally Western yet Christianity in its origin as well in its content is essentially Eastern. Equally condemnatory, though not so severely, as shown above, is the attitude of Mr. Russell towards this philosophy of quieticism. One cannot however, fail to notice with dismay the persistence of this attitude towards life on the part of Indians notwithstanding its theoretical impossibility and the many vissicitudes through which the country has passed. Nay, in the present days of Indian Nationalism—which sadly enough is tantamount to justifying everything Indian—the attitude is likely to be upheld and continued. Note, that of the stock contrasts between the East and the West, thrown in relief by the war, the East is ever eager to give prominence in terms of self-glorification to one—that of its being free from the extreme

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materialism of the West leading to war and devastation. There is however no justification for setting the West in such a cruel contrast. The East is too prone to forget that materialist we all are ; even the East in spite of itself. Regarding the war, perhaps, the West may be blamed. But it can retort and say, "not to act is to be dead. Life consists in activity: It is better to act even violently as in war than not at all for only when we act that we may hope to act well." Thus, surprising as it may be, the pacifist Mr. Russell thinks even war as an activity leading to the growth of the individual and condemns it only because it results in death and destruction. He would welcome milder forms of war for according to him, "Every man needs some kind of contest, some sense of resistance overcome, in order to feel that he is exercising his faculties",[8] in other words to feel that he is growing.

Of the many reasons urged in support the Indian view of life one is that it is chiefly owing to its influence that India alone of all the oldest countries has survived to this day. This is a statement that is often heard and even from persons whose opinions cannot be too easily set aside. With the proof or disproof however of this statement I do not wish to concern myself. Granting the fact of survival I mean to make a statement yet more important. It is this; there are many modes of survival and not all are equally commendable. For instance, mobility to beat a timely retreat may allow weaker varieties of people to survive. So the capacity to grovel or lie low may equally as the power of rising to the occasion be the condition of the survival of a people. Consequently, it cannot be granted—as is usually supposed—that because a people have survived through ages that therefore they have been growing and improving through ages. Thus it is not survival but the quality, the plane of survival, that is important. If the Indian readers of Mr. Russell probe into the quality of their survival and not remain contented merely with having survived I feel confident that they will be convinced of the necessity of a revaluation of their values of life.

This much for Mr. Russell's outlook towards the philosophy of war. We will now turn to his analysis of the effects of property. Mr. Russell passes in review the various existing economic organizations of society, the social ills they produce and the remedies put forth. His critique is summarized by himself as follows:

> "The evils of present system result from the separation between the several interests of consumer, producer and capitalist. No one of these three has the same interests as the community or as either of the other two. The co-operative system amalgamates the interests of consumer and

8. Principles of Social Reconstruction, p. 96.

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capitalist; syndicalism would amalgamate the interests of producer and capitalists. Neither amalgamates all three, or makes the interests of those who direct industry quite identical with those of the community. Neither, therefore, would wholly prevent industrial strife or obviate the need of the State as arbitrator. But either would be better than the present system, and probably a mixture of both would cure most of the evils of industrialism as it exists now. It is surprising that, while men and women have struggled to achieve political democracy, so little has been done to introduce democracy in industry. I believe incalculable benefits might result from industrial democracy either on the co-operative model or with recognition of a trade or industry as a unit for purposes of Government, with some kind of Home Rule such as syndicalism aims at securing. There is no reason why all Governmental units should be geographical. The system was necessary in the past because of the slowness of means of communication, but it is not necessary now. By some such system many men might come to feel again a pride in their work and to find again that outlet for the creative impulse which is now denied to all but a fortunate few. Such a system requires the abolition of the land owner and the restriction of the Capitalist, but does not entail equality of earnings. And unlike Socialism, it is not a static or final system; it is hardly more than a frame-work for energy and initiative. It is only by some such method, I believe that the free growth of the individual can be reconciled with the huge technical organizations which have been rendered necessary by industrialism".[9]

It is a common place criticism of the industrial system that it gives rise to compartmental ethics, dwarfs the personality and makes slaves of the workers. To obviate such a result Mr. Russell approaches with a cautious spirit, a breadth of outlook and philosophic grasp of the social effects of the Economic Institutions. I wish the same could be said of his analysis of the mental effects of property. On the other hand his discussion of this aspect of property is marked by certain misconceptions which it is necessary to expose.

The first misconception is embodied in a statement about the "love of money" in which he says "it leads men to mutilate their own nature from a mistaken theory of what constitutes success and to give admiration to enterprises which add nothing to human welfare. It promotes a dead uniformity of character and purpose, a diminution in the joy of life, and a stress and strain which leaves whole communities weary, discouraged, and disillusioned."[10] This is a sentiment that smacks of the antique and

9. Principles of Social Reconstruction, pp, 141-42.

10. *Ibid,*. p. 113.

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once served as a basic philosophy of life, probably with justification. The economic life and the philosophic outlook of a society are more intimately connected than is commonly supposed[11] and chipped off its exaggerations, the Economical Interpretation of History holds true. This time-honoured complaint of the moralists against "love of money" is only a part of their general complaint against the goods of the world and finds its justification in the economic circumstances which gave rise to this particular belief. Bearing this in mind, it becomes easy to understand why the philosophy of sour grapes, of the have-nots, is the most human of all beliefs and why it so largely pervades our values about things which we can and things which we cannot possess in spite of our efforts to have them. When we cannot have a thing we argue that it is not worth having. There is thus a genuine difference between the outlooks of the "haves" and the "have-nots" towards worldly goods as there is between the religions of the down-cast and the successful. Each one in obedience to its profoundly moral nature—moral even in its immorality in that it seeks justification for everything it does—idealises its own attitude. At a time when the whole world was living in "pain economy" as did the ancient world and when the productivity of human labour was extremely low and when no efforts could augment its return, in short, when the whole world was living in poverty it is but natural that moralists should have preached the gospel of poverty and renunciation of worldly pleasures only because they were not to be had. The belief of a society of "pain economy" is that a thing must be bad if it cannot be had just as a society of "pleasure economy" addicted to " conspicuous consumption " believes that a thing must be nasty if it is cheap. Neither does the re-statement of the evils of "love of money" by Mr. Russell add any philosophic weight to its historic value. The misconception arises from the fact that he criticises the love of money without inquiring into the purpose of it. In a healthy mind, it may be urged, there is no such thing as a love of money in the abstract. Love of money is always *for something* and it is the purpose embodied in that "for something" that will endow it with credit or cover it with shame. Having regard to this, there can be no "dead uniformity of character" among the individual for, though actuated by love of money, their purposes on different occasions are likely to be different. Thus even love of money as a pursuit may result in a variety of character.

If Mr. Russell's thesis is shaky when looked at from the production side of our life, it entirely falls to the ground when looked at from the consumption side. Really to prove that human nature mutilates itself by feeding, exclusively, some one appetite we shall have to find our support by scrutinizing not the production but the consumption side of life. Now

11. Cf James Bonar "Philosophy in its Relation to Political Economy", more particularly, Achille Lorla, "Economic Foundations of Society".

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knowing as we do the laws of consumption[12] is there a possibility of such mutilation? The answer, as we shall see, is in the negative.

The laws of consumption, it may be noted, are simply certain deductions from the economic doctrine of the utility theory of value Formulated, as a reaction to the classical theory by Cournot, Gossen, Walres Menger and Jevons, it no longer thinks of utility as a quality inherent in the objective thing or condition but as dependent upon the capacity it possesses to satisfy human wants. This being so, the utility of an object varies according to the varying condition of the organism needing satisfaction. Even an object of our strongest desire like food may please or disgust, according as we are hungry or have over-indulged the appetite. Thus utility diminishes as satisfaction increases. In other words as satisfaction is the pleasurable activity of a particular organ or a group of them, the curve representing the relation of the organ to the object of its satisfaction varies inversely with the condition of the organ.

If Mr. Russell had carefully gone into the implications of this psychological analysis, he would certainly have avoided the misconception in question. For what does the psychological analysis really mean ? Why does the utility of an object tend to be zero or even negative ? This takes place it may be argued either (1) because at some point in the process of satisfaction the particular organ irritated ceases to derive any further satisfaction by feeding itself on the object of its craving or (2) because other organs needing a *different* kind of satisfaction clamour against the over-indulgence of some one organ at their expense. Prof. Giddings holding the latter view says " if the cravings of a particular organ or a group of organs are being liberally met with appropriate satisfactions, while other organs suffer deprivation, the neglected organs set up a protest, which is usually sufficiently importunate to compel us to attempt their appeasing. The hunger of the neglected parts of our nature normally takes possession of consciousness, and diverts our attention and our efforts from the organ which is receiving more than its due share of indulgence".[13] Of the two alternative explanations that of Prof. Giddings is probably the more correct. Having regard to the behaviouristic hypothesis, of the organism as an active entity, it is but proper to suppose that there does exist this hunger of the entire organism for a varied satisfaction appropriate to each of its organ which would engender such a protest. It is this protest that compels obedience to what is called the law of *variety in consumption.* If this is a fact it is difficult to understand how one organ by perpetual dominance can mutilate the whole organism. On the other hand, though one at a time, all the appetites have their turn. Human nature is, thus, fortunately, provided by its very make-up against a one-sided development leaving no doubt as to its promise for an all-round development in a congenial environment. Whether it will be able to obtain the miscellaneous

12. For a brilliant discussion of them C/o. Prof. S. N. Patten's "A Theory of Consumption".

13. Democracy and Empire, p. 19.

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food-material, intellectual or spiritual it craves for is a matter beyond its control. If it is mutilated by the lack of variety of food, it will be through social default and not its own.

Another allegations of Mr. Russell is that property as the embodient of the possessive instinct leads to war. One may agree with Mr. Russell and yet say that Fredric Nietzsche understood the effects of property better than Mr. Russell. This effect is well summed up in a story which Thucydides relates somewhere. He depicts a farmer who having gathered his harvest was sitting by the side of the heap brooding over the market and the gains of his business; while deeply engrossed in his reverie he was surprised by a robber. Thus aroused, the farmer, without even uttering a word of protest, at once consented to share his pile and thanked heavens for having escaped with the loss only of a half. Whether the above is a fact or a fable, it contains a kernel of truth not always perceived. How much man is tamed of his wild nature by his acquisitions through the course of time it is not possible to measure. But that it is so is beyond doubt. Nietzsche was perfectly aware of this and would not therefore let his Superman hold any property lest he (the Superman) might not play the havoc Nietzsche wanted him to play for the fear of losing his acquisitions in the bargain. The trouble therefore one might say, is not with property but with the unequal distribution of it; for those who have none of it are prone to perpetrate more destruction for its possession than, those who have. An industrial dispute of the modern time is another illustration and that workers, in a strike, use more violence than their employers can only be understood in the light of the above remarks. It is the existence of the stake that blunts the sword and it is the non-existence thereof that sharpens it. Thus property may be aggressive. Yet it is not without its compensating effects.

It would be unjust to pass over silently a most fundamental notion that pervades the whole outlook of Mr. Russell. He says that "men's impulses and desires may be divided into those that are creative and those that are possessive. Some of our activities are directed to creating what would not otherwise exist, others towards acquiring or retaining what exists already. The best life is that in which creative impulses play the largest part and possessive impulses the smallest.[14] Is it possible so to divide the impulses ? Is there such a thing as an impulse to appropriate? It is beyond the scope of this review to discuss this large question. I simply intend to raise a query because I feel, that by making the distinction as one of instinct, Mr. Russell is not quite on safe ground. Every impulse if uninhibited, will lead to some creative act. Whether the product will be appropriated or not is a matter wholly different from any act of impulse or instinct. It depends, I submit, upon the method of its production—whether individualistic or otherwise—and upon the nature of its use—whether communal or otherwise. No one sets

14. Principles of Social Reconstruction, p. 234.

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up a right of appropriation to anything that is produced by common efforts nor to anything that is of joint use. Of the former one may cite the game of a communal hunt of the primitive folks. For an example of the latter the situation in a family presents a happy illustration, No member, it can be said without fear of being challenged, will ever set up a right of private appropriation to the articles of the Table or to the articles of decoration just as nobody will ever set up a right of exclusive ownership regarding public monuments. They are *of the house*. But every one of the family will surely set up a right to the exclusive use of his or her clothes. They are *of the Individual*. It is therefore, just a question of production and use and not of impulse that a thing is appropriated. Thus the creative and the possessive are on different levels and the methods of augmenting the former as of diminishing the latter are bound to be different. The more of one will not ensure the less of the latter.

With this we must close the review of Mr. Russell's book. There is much in it that can be laid at the foundation of the future reconstruction of Society. Mr. Russell deserves full credit for having emphasized the psychic basis of social life. Social reconstruction depends upon the right understanding of the relation of individual to society—a problem which has eluded the grasp of many sociologists. Mr. Russell's conception of the relation—as being of impulse to institution is, beyond doubt the truest. However, to understand this and many other problems the book touches I will strongly recommend the reader to go to the original. I have confined myself to putting Mr. Russell in his right place where I thought he was likely to be misunderstood and to guarding his uncritical readers against certain misconceptions that may pass off unnoticed. In both cases I have attempted to do my duty to Mr. Russell and to his readers.

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