

SECTION I
MEMORANDUM

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**GRIEVANCES
OF THE
SCHEDULED CASTES**

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MEMORANDUM
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HIS EXCELLENCY THE GOVERNOR-GENERAL

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GRIEVANCES OF THE SCHEDULED CASTES

INTRODUCTION

This Memorandum sets out the grievances of the Scheduled Castes in British India and suggests the measures that are necessary for redressing them. In listing the grievances I have taken note of such grievances only as the Central Government alone can remedy.

The grievances listed in this memorandum are divided into three categories (1) Political, (2) Educational and (3) Other Grievances, and are discussed separately. Part I deals with Political grievances, Part II with Educational grievances, and Part III with Other grievances. To this I have added Part IV in which I have ventured to speak of the duty which every Government must assume towards those who are living in a life of perpetual distress, in the hope that the Government of India will recognize it and do what they are bound to do to the Scheduled Castes.

I have thought it advisable to give below a table divided into Parts. This table, it will be seen serves two purposes. It gives at the start the contents of this memorandum, and secondly it helps to convey at the outset a general idea of what these grievances are.

Part I. *Political Grievances*

1. Inadequate Representation in the Central Legislature.
2. Inadequate Representation in the Central Executive.
3. Absence of Representation in the Public Services.
4. Absence of Representation on the Federal Public Services Commission.

Part II. *Educational Grievances*

5. Want of Aid for University and for Advanced Education.
6. Want of Facilities for Technical Training.

Part III. *Other Grievances*

7. Untouchables and Government Publicity.
8. Untouchables and Government Contracts.

Part IV. *Duty of Government towards Distressed people.*

PART I

POLITICAL GRIEVANCES

I. Inadequate Representation in the Central Legislature

1. As at present constituted the Central Assembly consists of 141 members. Of these 102 are elected and 39 nominated. Of the nominated members 19 are non-Officials and 20 are Officials. Of this total of 141 there are two who belong to the Scheduled Castes. Consider as against this the population of the Scheduled Castes. The census in India has become a political affair; and the Hindus, Muslims and the Sikhs have been attempting to cook up the census so as to show a rise in their numbers. This is done mostly at the cost of the untouchables. It is therefore difficult to get a correct figure of their population. Whatever estimate the census gives, it is bound to be an underestimate. However, taking the figure of 40 millions which is the figure given in the census of 1940 there can be no doubt that the representation of the Scheduled Castes in the central Legislature is ridiculously low.

2. To make the position clear, I give below two tables which have a bearing on this question :

TABLE No. 1
Population in British India

Communities		Total of each community in 1941	Order of importance in terms of population	Percentage to total population
1		2	3	4
Total	...	295,808,722		
Hindus	...	150,890,146	1	50.0
Muslims	...	79,398,503	2	23.6
Scheduled Castes	...	39,920,807	3	13.5
Tribal	...	16,713,256	4	5.7
Sikhs	...	4,165,097	5	1.3
Indian Christians	...	3,245,706	6	1.0
Europeans	...	122,788	7	
Anglo-Indians	...	113,936	8	
Parsis	...	101,968	9	

Note.—In this table only the population of those communities whose position is relevant to the purpose of this Memorandum is given.

TABLE No. 2
Communal Composition of the Central Assembly

Community	Elected Members		Nominated Non-Official Members		Nominated Official Members		Total including Official Members		Total excluding Official Members	
	No.	Per cent	No.	Per cent	No.	Per cent	Total	Per cent	Total	Per cent
1	2		3		4		5		6	
Hindus	56	54.9	4	21	8		68	48.5	60	49.5
Muslims	34	33.5	7	37	3		44	31	41	33.8
Sikhs	2		2	10.5			4	2.8	4	3.3
Parsis	1		2	10.5	1		4	2.8	3	2.4
Europeans	8	7.8	1		7		16	11.3	9	7.4
Indian Christians			1				1		1	
Anglo-Indians			1				1		1	
Scheduled Castes			1		1		2	1.4	1	
Vacant	1						1		1	
Total ...	102		19		20		141		121	

3. This table throws a flood of light on the extent of representation which the different communities in the Central Legislature have at present. Figures in column 5 give the total representation each community has, with the percentage ratio for some of them. I do not, however, wish to lay stress on them. They include figure for Nominated Officials. They are intended primarily to represent Government and not the communities to whom they belong. Secondly, the communal composition of the Nominated Official Block is variable and not fixed. But I do wish to invite attention to figures in other columns. I will begin with column 6. It gives the total extent of the representation which different communities have secured through election as well as nomination. More striking are the figures given in column 3. It shows that the Hindus have been allowed 54.9% by election. In addition they are given 21% out of the quota reserved for nomination. The Muslims have got 33.5% by election. This is great deal in excess of what they are entitled to on the basis of their population. In addition they are allowed the benefit of 37% out of the quota reserved for nomination. The same is the case with the Sikhs and the Parsis. Both of them have representation through election much beyond what their numbers would justify. Yet each is allowed to have the benefit of 10.5% out of the quota for nomination. As against this, there is the naked fact that the Scheduled Castes who number 40 millions and who form the third largest community in India have no seat by election, and only one by nomination.

4. Given these facts two comments become quite in order. In the first place, the Legislature is quite an unbalanced body. It suffers from both the evils from over-representation of some communities and under-representation of other communities. The evil exists in its most aggravated form. For the over-representation is of communities which are strong and powerful, and the under-representation is of communities which are weak and poor. The second comment relates to the wrong use of the power of nomination. The power of nomination was reserved under the Constitution to rectify the inequalities of representation. To put it in different language, it was intended to give these communities, which did not secure enough representation, by election, sufficient representation through nomination.

There is no principle which seems to govern either the election or the nomination in so far as they relate to the composition of the central Legislature. If at all there is any principle, it is to give Peter more than Paul and then to rob Paul who has almost nothing to enrich Peter who has almost everything.

5. There is no justification for so grave a wrong done to the Scheduled Castes in the matter of representation. In a legislature in which the Muslims and the Hindus are waging a war against each other for rights and privileges and in which both are careful not to lose anything to a third party like the Scheduled Castes what support can a single representative of the Scheduled Caste in a House of 141 get in his right for the rights of the Scheduled Castes ? It was the view of the Southborough Committee, on the recommendations of which the present structure of the Central Legislature is reared, that the nominated officials may be expected to bear in mind the interests of the Scheduled Castes. It is a matter of some considerable interest that the then Government of India refused to accept this view. In their Despatch on the Report of the Southborough Committee, the Government of India said :—

“But that arrangement is not, in our opinion, what the (Montague-Chelmsford) Report on Reforms aims at. The authors stated that the Depressed Classes should also learn the lesson of self-protection. It is surely fanciful to hope that this result can be expected from including a single member of the community in an assembly where there are 60 to 90 Caste Hindus. To make good the principles of paras 151, 152 and 155 of the Report we must treat the outcastes more generously.....”

Unfortunately no generosity was shown by the Government of India to the Scheduled Castes in making its proposal for the composition of the Central Legislative Assembly. They gave them one seat by nomination, and it has continued to be one since 1921.

6. The result of this meagre representation has been quite deplorable. A single representative of the scheduled castes in an Assembly of 141 cannot but feel the utter helplessness of his position. He has to contend against a vast volume of anti-Scheduled Caste prejudices arising from the Hindu side of the House. He cannot depend upon the support either of the Muslim block who are lighting their battle to advance their interests. Nor can he depend upon the Official Block which has been more careful to preserve its good relations with

the major Hindu and Muslim blocks than to support the just interests of the Scheduled Castes. It is not even possible for the single and solitary representative of the Scheduled Castes in the assembly to ventilate the grievances of the Scheduled Castes. I am informed that under the rules made by the President of the Legislative Assembly, the President gives the first chance to speak to those Hon'ble members who belong to a recognised party. I also understand that the President does not recognise a party unless it has the minimum strength of ten members. This means that ordinarily the representative of the Scheduled Castes has no chance of speaking in the House unless he chooses to join a party. For a representative of the Scheduled Castes to be faced with this kind of situation is not a very happy thing. To join a party means for him to subordinate the interests of the Scheduled Castes to that of a party, the principles and interests of which may be quite inconsistent with the principles and interests of the Scheduled Castes. On the other hand, not to join a party means to lose altogether the right to speak. If one may refer to what happened in the Assembly session (September 1942) in the debate that took place on the present political situation in India, the Hon'ble Rao Bahadur N. Sivaraj, the representative of the Scheduled Castes in the Central Assembly, found it difficult to obtain a chance to speak on behalf of the Scheduled Castes, although 5 or 6 Muslim members could easily speak for the Muslims.

7. It is, therefore, greatly necessary that the representation of the Scheduled Castes in the Assembly should be augmented. Of course this can be done only when vacancies occur in nominated non-official seats. When they do occur, justice requires that such vacancies should go to increase the representation of the Scheduled Castes in the Assembly.

II. Inadequate representation in the Central Executive

8. The Government of India has been very tardy in recognising the right of the Scheduled Castes for representation in the Central Executive. This has been a very sore point with the Scheduled Castes. For they hold that whatever may have been their political status in the past, since the Round Table Conference their political status had

become equal to the status of that of the Muslims, and if the Muslims have a right to representation in the Central Executive, so have the Scheduled Castes. There is no doubt that their contention is well founded. At the Round Table Conference it was the demand of the Scheduled Castes, and not merely of the Muslims, that provision for the adequate representation of the Scheduled Castes should be made by law. The Hindu point of view was not opposed to this demand. All that the Hindus said was that it should be left to convention. Ultimately a compromise was arrived at and it was agreed that the Instrument of Instructions to the Governors of the Provinces and the Governor-General of India should contain a specific clause imposing upon them the obligation to endeavour to include representatives of important minority communities. Although the communities were not specified, there could be no doubt that the phrase "important minorities" was intended to include the Scheduled Castes. At long last the Government of India has recognised this obligation to give representation to the Scheduled Castes in the Cabinet.

9. It must, however, be said that this delay in the recognition of their right has lost much of its virtue by reason of the delay and has not removed this grievance. For the Scheduled Castes feel that their representation in the cabinet is very inadequate. In a Cabinet of 15, there is only 1 Member of the Scheduled Castes while the Muslims have 3 Members. The grievances arise by reason of the great contrast between the representation granted to the various communities and their needs and their numbers. If population alone was the criterion there is no doubt that the Scheduled Castes are very near to the Muslims in the matter of population. It is therefore only fair to say that if the Muslims have three, the Scheduled Castes should at least have two in a Cabinet of fifteen. As it is, the communal formation of the Cabinet seems to be governed by no principle. The Sikhs who number only millions and the Untouchables who number 40 millions are placed on the same footing.

10. The position of the Scheduled Castes in Indian politics needs a great deal of stabilization, and there can be no doubt that the only effective remedy of stabilizing their position in Indian politics is to give them representation in the Cabinet which is demanded by their numbers and their needs. I am sure I am not disclosing any secrets

when I say that in the course of the interview that I had with Sir Stafford Cripps when he came to India he told me that one of the principal objects of His Majesty's Government was to stabilize the position of the Scheduled Castes by their inclusion in the Central Executive which was to be formed during the interim period, so that the Constituent Assembly which under his proposals was to meet to draft the new constitution will find their positions established beyond challenge. I request that this policy should be given effect to when the next step in the direction of the Indianization of the Executive Council takes place.

III. Absence of representation in the Public Services

11. No greater injustice has been done to the Scheduled Castes than in the matter of their employment in Public Services. Having regard to the scope of this Memorandum I can deal only with those Services with which the Central Government is particularly concerned. They fall into two classes :—

(a) The I. C. S.

(b) The Central Services—

(i) Those recruited on an all-India basis, and

(ii) those recruited locally.

12. Any one who examines the communal composition of these services can have no manner of doubt that the Scheduled Castes have been rigorously excluded from both these Services. To give an idea of the rigorous exclusion of the Scheduled Castes from these Services, I like to present the following facts. I will first take the position as it stands in the Indian Civil Service. The communal composition of the I.C.S. as it stands at present (1942) is as follows :—

Communal Composition of the I.C.S.

Community		Number in the I.C.S.	
1. Europeans	...	...	488
2. Hindus	...	...	363
3. Muslims	...	...	109
4. Indian Christians	...	...	23
5. Anglo-Indians	...	...	9
6. Parsis	...	...	9
7. Sikhs	...	...	11
8. Scheduled Castes	...	...	1
9. Others	...	...	43
Total		...	1,056

Out of 1,056 men in the I.C.S. there is only 1 from the Scheduled Castes. Such is the state of affairs so far as the I.C.S. is concerned.

In the matter of their recruitment to the central services the condition of the Scheduled Castes is equally bad. I do not propose to quote any figures. It is quite unnecessary to overburden this Memorandum with facts. For there is a clear admission on the part of the Home Department of the Government of India relating to this question. In one of their Office Memoranda relating to the recruitment of the different communities the Home Department say :—

“This Department are much concerned at the almost total lack of progress in the recruitment of the members of the Depressed Classes as revealed by the information available.”

The Memorandum from which the above statement is quoted is No. 4/5/38 Ests (s) and is dated 1st June 1939 and records a state of affairs as it existed on that date.

13. How is it that other communities have found a place in the services controlled by the Government of India? What are the reasons for the exclusion of the Scheduled Castes? As will be seen the reasons are to be found in the difference in the principles and methods for securing communal representation which the Government of India has adopted towards the Scheduled Castes and the other minority communities in India.

14. The principle of communal representation in the services centrally controlled came into operation in 1925 when the Government of India accepted a Resolution of Mr. Nair on the need of Communal Representation in Public Services moved in the Central Assembly on 10th March 1923 in which he complained that the Public Service was entirely monopolized by the Hindus, and particularly by the Brahmins, and that the other communities had found it extremely difficult to secure a footing. In pursuance of this Resolution the method adopted by the Government of India was to reserve one-third of all permanent vacancies for direct recruitment for the redress of communal inequalities.

15. This method of giving effect to the policy of Communal Representation in Public Services did not satisfy the non-Hindu communities. The matter was taken up at the Round Table Conference and a demand was made for devising a more effective method of gaining the object. This demand was accepted by the Secretary of State and by the Government of India and given effect to in Home Department Resolution No. F. 14-17-8-33 of 4th July 1934.

16. It is this resolution which is now in operation and constitutes the Magna Charta securing justice to all communities in the Public Services of the country. A reference to the provisions of this Resolution is very necessary. It will show why the other minority communities have been so well represented in the Public Services and why the Scheduled Castes have not been represented at all. The Resolution has two fundamental provisions and which, as compared with the old resolution of 1923, are quite new :—

- (1) It declares what communities are to be treated as minorities for the purposes of recruitment to Public Services;
- (2) It defines a fixed proportion of annual vacancies which are to be allotted to the communities declared as minorities.

17. These are the provisions laid down by the Resolution of 1934 for securing representation to the various communities. Coming to particulars the Resolution in the first place defines the following communities as minorities :—

(1) Muslims, (2) Anglo-Indians, (3) Indian Christians, (4) Sikhs, (5) Parsis.

In the second place, the Resolution fixes the following proportion of annual vacancies to be filled by members belonging to the above mentioned minorities.

Proportions fixed by the Resolution of 4th July 1934

Minorities	SERVICES			
	I.C.S. Central and Subordinate Services Recruited on All-India Basis	Railways and Customs	Posts and Tele- graphs	Appraising Department and Preventive Services
Muslims	... 25%	25%	25%	This service is excluded from the operation of the Resolution, apparently to reserve recruitment for Anglo-Indians only on the ground that the Service re-quires special qualifications.
Anglo-Indians	...	8%	5%	
Indian Christians	... *8 ⅓ %	6%	3½%	
Sikhs	...			
Parsis	...			

**Note.*—Para 7 (iii) of the said Resolution says—If communities obtain less than their reserved percentage and duly qualified candidates are not available, the residue of 8 7% will be available for Muslims.

18. What is the provision which this resolution makes to safeguard the position of the Scheduled Castes? I give below the two relevant provisions of the Resolution. In paragraph 3 the Resolution states that:—

“No useful purpose will be served by reserving for them (Depressed Classes) a definite percentage of vacancies out of the number available for Hindus as a whole, but they hope to ensure that duly qualified candidates from the Depressed Classes are not deprived of fair opportunities of appointment.

The way in which Government hoped to ensure to the Scheduled Castes a fair share of representation in the Public Services is specified in para 7(1)(vi) of the Resolution, which reads as follows:—

“In order to secure fair representation for the Depressed Classes duly qualified members of these classes may be nominated to a Public Service even though recruitment to that service is being made by competition”.

A persual of these proposals brings out two facts:—

- (i) The Resolution does not declare the Scheduled Castes to be a minority.
- (ii) The Resolution does not allot to the Scheduled Castes any fixed proportion of the annual vacancies.

It goes without saying that there is a striking contrast between the provisions made by the Government of India for securing the recruitment of the Scheduled Castes and for the other minor communities to the Public Services. This contrast can be expressed in one sentence. The recruitment of the other communities is owing to the Resolution, not left to be a matter of discretion. It has been made a matter of obligation. The recruiting authority must fill in vacancy by recruiting a person, belonging to the community for which the vacancy is reserved. The recruitment of the Scheduled Castes on the other hand has been made a mere matter of discretion. The recruiting authority may fill an unreserved vacancy by appointing a person from the Scheduled Castes.

19. It is owing to this difference between must and may that the Muslims and other communities have been so well represented in the Public Services and the Scheduled castes so completely excluded. No better result is possible so long as the Government of India leaves

the matter of recruitment of the Scheduled Castes in public services to the discretion and goodwill of the appointing officers. These officers are either Europeans, Hindus or Muslims. The European is blissfully ignorant of the Scheduled Castes, and he has never made the protection of the interests of the Scheduled Castes his special concern. So long as his general authority is maintained he is prepared to follow the advice of his Hindu or Muslim subordinates. The Muslims are naturally striving to strengthen their own position. They are concerned to see that as many vacancies as possible should go to the Muslims : at any rate all those which are reserved to them. The Hindus who had so far the monopoly in the public service and who never know how to share the good things of life with others want to keep the balance to themselves. With their self-interest combined with their age-old prejudices against the Scheduled Castes the Hindus will never be fair to them. It is a sheer delusion to leave to the discretion of such officers the question of the recruitment of the Scheduled Castes and to hope that the Scheduled Castes will as a result of it secure a fair share of representation.

20. The question of entry into the Public Service is an important question for all minority communities. But to the Scheduled Castes it is a vital question, a question of life and death. There are many reasons why this must be so. In the first place, it is a question of opening up a career for youngmen from the Scheduled Castes. This is an aspect of the question which the Scheduled Castes, and even the Government of India, cannot ignore. Trade and Industry, as openings for a career, are all blocked to youngmen of the Scheduled Castes. It is only in Government service that they can find a career. While this is an important aspect, it is not the only aspect which makes this question so vital. For there is another aspect which is calculated to invest it with such importance. That aspect relates to the effect which the bestowal of Government patronage has in encouraging the spread of education in a community. The case of the Hindu community is quite in point. The rapid progress which the Hindu community has made is of course very striking. But it is very seldom realized that the reason why education has taken such deep root in the Hindu society is entirely due to the assurance that education opens up a career by entry in Government service. Such assurance of career is absolutely necessary

in the case of the Scheduled Castes who are so backward in education. There is a third argument far more weighty than the two which have been referred to above. It relates to the interest of the general population of the Scheduled Caste people as distinguished from the interests of the educated classes from the Scheduled Castes. This will be clear if it is realised how important public administration is from the point of view of public welfare. In the first place, power of administration now-a-days includes the power to legislate. No Statute in modern days is complete and exhaustive. Most allow the administration the statutory power to make rules to carry into effect the purposes of the Act. Secondly, whether the law is beneficial or not depends upon how efficaciously and how justly it is carried out. Good administration is therefore far more important than good laws. Good laws may prove of no avail if the administration is bad. Administration is therefore a vital question for the Scheduled Castes who are more interested in good administration than in good laws. Is the present administration good administration? What do the Scheduled Castes think of the present day administration? There can be no doubt that the view universally held is that the whole administration is hostile, unjust, and perverse in its attitude towards the Scheduled Castes all over India. Indeed much of the suffering and harassment of the Scheduled Caste population arises from the fact that the discretion vested in public servants is in almost all cases exercised against the interests of the Scheduled Castes and with the object of keeping them down. This is as it must be given the mentality of the Hindu and Muslim officers, towards the Scheduled Castes. This will continue to be so as long as the personnel of the administration is drawn from classes who have been opposed to the Scheduled Castes and who believe in their suppression. There cannot be a more powerful argument than that of the advantage and welfare of the general population of the Scheduled Castes to show that the entry of the Scheduled Castes in the Public Service must be regarded as a most vital consideration.

21. Certain facts are beyond doubt. The source of mischief is evident. How vital is the service interest of the Scheduled Castes is also clear. How serious is the mischief done to this vital interest by the discrimination which Government has in its resolution of 4th July, 1934 made against the Scheduled Castes as compared with the other

communities nobody can dispute. How disastrous have been the consequences to the Scheduled Castes will be apparent from the figures given in the following table relating to the communal composition to the I.C.S. :—

TABLE III
Communal Proportion in the I.C.S. in 1942

Community			Total	Percentage of Total of 1056 including Europeans	Percentage of Total of 568 excluding Europeans
1.	Europeans	...	488	42.4	
2.	Hindus	...	363	34.4	63.2
3.	Muslims	...	109	10.3	19.2
4.	Indian Christians	...	23	2.2	4.0
5.	Anglo-Indians	...	9	.9	1.5
6.	Parsis	...	9	.9	1.5
7.	Sikhs	...	11	1.0	2.0
8.	Scheduled Castes	...	1	Nil	Nil
9.	Others	...	43	3.9	8.0
Total ...			1,056		

TABLE IV
I.C.S. through Competition and Nomination

Community			Through Competition	Through Nomination	Total
1.	Europeans	...	336	152	488
2.	Hindus	...	332	31	363
3.	Muslims	...	35	74	109
4.	Indian Christians	...	19	4	23
5.	Anglo Indians	...	8	1	9
6.	Parsis	...	8	1	9
7.	Sikhs	...	5	6	11
8.	Scheduled Castes	...		1	1
9.	Others	...	28	15	43
Total ...			771	285	1,056

TABLE V

Population Ratio as Compared with Ratio in the I.C.S.

Community		Actual Ratio in the I.C.S. excluding Europeans	Population Ratio	Excess + Defficiency — of Service Ratio as compared with Population Ratio
1.	Hindus ...	63.2	50.0	+ 13.2
2.	Muslims ...	19.2	23.6	— 4.4
3.	Indian Christians ...	4.0	1.0	+ 3.0
4.	Anglo-Indians ...	1.5	.03	+ 1.47
5.	Parsis ...	1.5	0.3	+ 1.47
6.	Sikhs ...	2.0	1.3	+ 0.7
7.	Scheduled Castes ...		13.5	—13.5
8.	Others ...	8.0		

22. From these tables the following conclusions stand out as incontrovertible facts:—

- (1) All communities have made a fair degree of progress towards getting their apportioned share of representation in the I.C.S. The only exception is the unfortunate community of the Scheduled Castes who have made no progress at all.
- (2) Some communities have secured a degree of representation in the I.C.S. much in excess of their population ratio. This is noticeable in the case of the Hindus. Excluding the share of the Europeans which is 50% and which must be excluded for comparing the relative position of the Indians the Hindus have got 63% of the I.C.S. appointments when the ratio of their population to the total population is only 50%. They are enjoying an excess of 13%.
- (3) Nomination was intended only to correct the inequities of competition. Yet some communities have been given the benefit of nomination although it has been able to secure a very large of the I.C.S. appointments by competition and who do not need and cannot claim the benefit of nomination. This is undoubtedly the case with the Hindus. Between 1920-1942 the Hindus were able to secure 332 out of 435 that were filled by Indians by competition, and yet

they were given 31 seats by nomination. The Muslims got only 35 appointments to the I.C.S. by competition between 1920-1942. But they were given 74 by nomination. The Sikhs have got only 5 by competition. But they got 6 by nomination. The Scheduled Castes who got none by competition get only one by nomination. All this shows how the position of the Scheduled Castes has remained deplorable and how Government which is striving to be considerate to other communities by not even trying to be correct towards the Scheduled Castes, is responsible for this result.

23. The condition of the Scheduled Castes is not only deplorable, but it is also intolerable. This is the result of the present policy of the Government of India under which the quantum of recruitment of the Scheduled Castes in the Public Services instead of fixed by rule as is done in the case of the other minorities is left to the discretion of the appointing authorities. The appointing authorities are mostly caste Hindus and it is not possible to expect them to give the benefit of this discretion to the Scheduled Castes. I have no doubt that the interests of the Scheduled Castes will continue to be neglected and sacrificed to serve the interests of other communities so long as the present system continues. The Government of India should without further delay equalize the position of the Scheduled Castes and—

- (1) declare that they are a minority for the purpose of services like the other communities.
- (2) fix 13½% as the proportion of annual vacancies in the I.C.S. and both in the Central Services that are recruited on an all India basis and that are recruited locally as the share to which they are entitled and which in equity and justice should be reserved for them. Unless this is done the Scheduled Castes will never get their due share in Public Services.

24. The difficulty lies in the Scheduled Castes not being declared a minority. It is essential that this obstacle in their way be removed. The reason is that under the resolution of 4th July 1934 it is only when a community is declared to be a minority that it becomes entitled to the benefit of reservation in the Public Services. A community as such does not get any such benefit. It is difficult to see what objection there can be to a declaration that the Scheduled Castes are a minority. The term minority is a political term and whatever may be its *de jure*

definition its de facto definition can never be in doubt. The matter is settled by the terms of Communal Award so that any community which is covered by the Communal Award of His Majesty's Government must be held to be a minority. Indeed that is the basis on which the Government of India could declare that the Muslims, Sikhs, Indian Christians, and Anglo-Indians are minorities. If these communities are minorities and they are minorities because they are covered by the Communal Award—then it is difficult to see how the claim of the Scheduled Castes to be declared a Minority be denied. For they too are covered by the same Award. Secondly, if Government is bound to declare them a minority then it follows as a natural consequence that Government is bound to define their share in the services and make it available by the same means and methods by which the share of other communities has been secured to them. Nor can anybody oppose the quantum of share to which they are entitled as the legitimate share of the Scheduled Castes. It has been shown that their population in British India is 13.6% and nothing more than a share of 13.6% in the services is claimed for them. This cannot injure the Hindus, for their population is 50% and they are getting 63% which is 13% more than is their due.

25. The opposition to this claim of the Scheduled Castes comes from very strange and unexpected quarters. It should come from the Hindus. But it cannot. The mutual rights of the Scheduled Castes and the Hindus are defined by the Poona Pact which was made in 1932. It is an agreement by which the Hindus have accepted that the Scheduled Castes are a minority and that they are entitled to adequate share in the Public services of the Country. It is true that the term 'adequate' was not given a quantitative expression. That is because it was done in a hurry to save Mr. Gandhi from the hands of death. But there can be no doubt that 'adequate' was never intended to be anything less than the population ratio. The Hindus therefore cannot oppose the claim of the Scheduled Castes and, as a matter of fact, they do not. The party opposing the claim of the Scheduled Castes is the Government of India and nobody else. In the debate on the question that took place in the Central Legislative Assembly on March 1942 on a cut motion by Rao Bahadur N. Sivaraj, M.L.A. the claim of the Scheduled Castes for being declared a minority and for defining

their share in services which was the subject matter of the Motion was supported by the Muslims, by the Europeans, Anglo-Indians and Sikhs. Except for one solitary individual, the Hindus did not oppose it. It was, however, opposed by the spokesmen of the Government of India. This is the most tragic part of the story. The Government of India have said that they were trustees for the welfare of the Scheduled Castes. As trustees, they should be more ready to safeguard the rights of the Scheduled Castes than to safeguard the rights of the other minorities. There would have been some excuse for the Government of India hesitating to allot to the Scheduled Castes their rights in the matter of recruitment to the Public Services if there was any obstacle placed in their way by the Hindus. But there is no such excuse. Would it be wrong if it was said that the enemies of the Scheduled Castes are not the Hindus and that their real enemy is the Government of India ?

26. What is the reason which the Government of India gives for opposing the claim of the Scheduled Castes ? So far as the speech of the Hon'ble the Home Member made on the motion moved by the Hon'ble Rao Bahadur N. Sivaraj M.L.A., is an indication, the reason is that there are not enough educated men among the Scheduled Castes. It must be said that this is by no means a convincing reason. In the first place, this is the old reason given in 1934 in paragraph 3 of the Resolution. It takes no account of the progress that has been made during the last 8 years. In the second place, the statement was not true even for 1934. For 1942 it will be gross misstatement. As a matter of fact a census of college students of the Scheduled Castes was taken privately in about 1939-40, and the total number of graduates among the Scheduled Castes were found to number about 400 to 500. In the third place, this fact even if it were true cannot be a bar against declaring the Scheduled Castes a minority and against fixing their proportion. For if the Scheduled Castes candidates with minimum qualification fall short in any one year of the annual proportion of vacancies reserved for them no body will be hurt because the unused vacancies will go to the Hindus. The difficulty anticipated by the Home Member cannot be said to arise only in the case of the Scheduled Castes. The condition of other minorities is not free from giving rise to the same difficulty. In fact when the government issued the resolution in 1934 they felt that such a difficulty might arise in their case also. But this did not stop Government from declaring them to be minorities and fixing their

proportion. Government did declare them to be minorities and also fixed their proportion, and for the difficulty that duly qualified candidates may in any given year be less than the vacancies reserved, Government provided by paragraph 7(1)(iii) of the resolution that the residue of the vacancies will be available for the Muslims.

27. Surely the difficulties which can be overcome successfully in the case of the other minorities cannot be followed to stand in the way of the Scheduled Castes. If Government does that, it will be guilty of unjustly-defeating the just claims of the Scheduled Castes. It will be accused of using grounds which are not reasons but which are only excuses for sustaining its opposition to the claims of the Scheduled Castes.

28. Besides the two remedies suggested, namely (1) declaring them a minority and (2) fixing their proportion in the annual vacancies, it will be necessary to sanction other remedies to the Scheduled Castes for securing to them their fair share in the services. They are :

- (1) Raising the Age bar,
- (2) Reduction in examination fees, and
- (3) Appointment of a Scheduled Caste officer to see that the provisions made in the interests of the Scheduled Castes in this behalf are carried by all Departments concerned.

(1) *Raising the Age Bar*

29. Under the present rules for the I. C. S. and the Central Services the maximum age limit is 24. Generally this maximum age limit hits the Scheduled Castes very hard. For owing to their extreme poverty it is not possible for the Scheduled Caste boy to reach that level of education which will enable him to compete with students from higher and well-to-do classes within the age limit. The children of the former have to suffer many breaks in their educational career and have no facilities at home either for tuition or even for study. The latter have all the facilities for rapid and continuous progress. Consequently the children of the Scheduled Castes by the time they reach the final stage of their education and are in a position to compete they become ineligible on account of age for recruitment in the Public Service. It is therefore, necessary to raise the age limit by at least 3 years. There is nothing very unreasonable in this demand and there will be nothing extraordinary if it was conceded by Government of India. In almost all Provincial Governments where a proportion in the services has been