
MAHAD SATYAGRAHA* NOT FOR WATER BUT TO ESTABLISH HUMAN RIGHTS

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

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

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

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

*Resisting injustice with soul force.

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

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

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

The Historical Chawdar Tank at Mahad



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

— Dr. B.R. Ambedkar

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹: Keer, Pp. 69-71, 73-77.

Mahad Conference-Report By ‘The Bombay Chronicle’

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

A False Rumour

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

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

Twenty Wounded

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

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

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

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

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

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

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

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

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

*See Appendices-I, II and III.

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

Police Report of Agitational Programme of Dr. Ambedkar :

I

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

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

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

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

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

¹ : Keer. Pp. 77, 79, 89-90.

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

II

“Satyagraha of Untouchables at Mahad

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

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

¹ : Source Material Vol. I, P. 13.

III

No. H/3447

dated 22nd December 1927.

“To,
The D. S. P.,
Kolaba, Alibag.

Sir,

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

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

I have & c.

(Sd.)

D. C. P., S. B.

22nd December 1927.”¹

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

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

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

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

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

Text of Temporary Injunction in Chawdar Tank Case

ORDER

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

¹: Keer, Pp. 90 and 97-98.

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

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

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

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

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

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

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