ROLE OF DR. B. R. AMBEDKAR IN BRINGING THE UNTOUCHABLES ON THE POLITICAL HORIZON OF INDIA AND LAYING A FOUNDATION OF INDIAN DEMOCRACY

"In the Government of India Act of 1919, there was a provision which had imposed an obligation on his Majesty's Government to appoint at the end of ten years a Royal Commission to investigate into the working of the Constitution and report upon such changes as may be found necessary. Accordingly, in 1928 a Royal Commission was appointed under the Chairmanship of Sir John Simon. Indians expected that the Commission would be mixed in its personnel. But Lord Birkenhead who was then the Secretary of State for India was opposed to the inclusion of Indians and insisted on making it a purely Parliamentary Commission. At this, the Congress and the Liberals took great offence and treated it as an insult. They boycotted the Commission and carried on a great agitation against it. To assuage this feeling of opposition it was announced by His Majesty's Government that after the work of the Commission was completed representative Indians would be assembled for a discussion before the new constitution for India is settled. In accordance with this announcement representative Indians were called to London at a Round Table Conference with the Representatives of Parliament and of His Majesty's Government."[1]

"In order to ease the troubled situation in India, the British Government decided to re-examine and revise the Act of 1919. So it announced the appointment of the Indian Statutory Commission better known as the Simon Commission after Sir John Simon, its Chairman. The Commission consisted of two Peers and four Commoners to work under Sir John Simon, who was a great Parliamentarian, and it was declared that the proposals framed in the light of this Commission's recommendations would be submitted to a Joint Select Committee at Westminster before which Indian witnesses would be examined.

[1] : Writings and Speechs Vol. 9, P. 40

The Simon Commission came on its first visit, and landed at Bombay on February 3, 1928, to commence the work of re-examination of the Indian problem as declared in the Act of 1919. Its non-Indian character offered an affront to almost all Indian parties. The Congress Party decided to boycott the Commission at every stage and in every form. So, on its arrival, the Simon Commission was greeted with black flags, curses and placards with the slogan "Go back, Simon!" Congressmen staged hostile demonstrations on a nation-wide scale, and the police had to open fire at some places. This black welcome was also extended later to the Commission during its second visit in the winter of 1928-29.

Meanwhile, the All Parties Conference convened by the Congress Party met in February and later in May 1928, and appointed a Committee under Pandit Motilal Nehru to draft a *Swaraj* Constitution for India. The Nehru Committee worked from June to August 1928 and drafted a Constitution.*

It mainly aimed at closing the Muslim breach. As regards the Depressed or Suppressed Classes, the Nehru Report said : "In our suggestions for the Constitution we have not made any special provision for the representation of the 'Depressed' Classes in the legislatures. This could only be done by way of special electorates or by nomination." But as these two methods were considered harmful and unsound, the Committee said that they were not going to extend either principle. They observed that their Declaration of Rights would be a panacea for all the ills affecting the Depressed Classes.** The attitude of the Congress Party towards the problem of the Untouchables will be clearer when one notices that the Congress Working Committee issued invitations to all prominent Muslim, Parsi, Christian, Sikh, Anglo-Indian organisations and even the

* For comment by Dr. B. R. Ambedkar, see editorial of 'Bahishkrit Bharat' dated 18th January 1929—Editors.

** All Parties Conference Report, 1928, Pp. 59-60.

Non-Brahmin institution and the Dravida Mahajana Sabha, but not to the Depressed Classes Institute led by Dr. Ambedkar or for that matter any Depressed Class Institution. It may be recalled that ten years before this Dr. Ambedkar had given evidence before the Southborough Commission.

To co-operate with the Simon Commission the Central Government appointed a Committee for all British India, and every Legislative Council elected its Provincial Committee to work with the Simon Commission. On the Bombay Provincial Committee was selected Dr. Ambedkar along with other Members by the Bombay Legislative Council on August 3, 1928.

The proceedings and tours of the Simon Commission lit up the Indian political firmament, and along with other forces it brought to the front the force, intellect and vitality of Dr. Ambedkar.

Eighteen Depressed Class Associations gave evidence before the Commission and placed their memorandum before it. Sixteen of them pleaded for Separate Electorates for the Depressed Classes. On behalf of the Bahishkrit Hitakarini Sabha Dr. Ambedkar submitted a memorandum to the Simon Commission demanding Joint Electorate with reservation of seats for the Depressed Classes.*

The Madras Central Adi-Dravida Mahajana Sabha demanded nomination for the Depressed Classes. The Bombay Provincial Non-Brahmin Party in its memorandum recommended Separate Electorate and reserved seats for the Depressed Classes. The Muslim League reiterated its demands for separation of Sind, creation of a new Province in the N. W. F., Separate Elecrorate for Muslims and residuary power for the Provinces in the federal constitution.

On October 23, 1928, the Simon Commission, the Central Committee and the Bombay Provincial Committee examined Dr. Ambedkar in Poona.** The British Labour leader, Major Atlee,

*See Writings and Speeches, Vol. 2. Pp. 429, 458.

** *Ibid,* Pp. 459-89.

who later became the Prime Minister of Britain, was a member of the Simon Commission. Attlee asked Dr. Ambedkar some pertinent question in the course of the Doctor's examination.

The work of the Simon Commission continued till the winter. The Provincial Committees were also drafting their own reports. The Committee appointed by the Bombay Legislative Council to co-operate with the Simon Commission after hearing both official and non-official evidence relating to the constitutional problem, submitted later their report on May 7,1929.*

Dr. Ambedkar, who fundamentally differed with the Committee, did not sign that report and submitted a separate report containing his own views and recommendations on May 17, 1929.* Referring to the demand for the separation of Karnatak, he said he was opposed to the separation of Karnatak from the Bombay Presidency because "the principle of one language one province is too large to be given effect to in practice. The number of provinces that will have to be carved out if the principle is to be carried to its logical conclusion shows in my opinion its unworkability". "For I am of the opinion," declared the patriot in Dr. Ambedkar, "that the most vital need of the day is to create among the mass of the people the sense of a common nationality, the feeling not that they are Indians first and Hindus, Mohammedans or Sindhis and Kanarese afterwards, but that they are Indians first and Indians last. If that be the ideal then it follows that nothing should be done which will harden local patriotism and group consciousness."

As regards the separation of Sind which had assumed tremendous significance in those days, he said it was a sectional demand, a part of a large scheme designed to make the communal majority of the Muslims a political majority in five provinces. "The scheme," he warned the nation, "is neither so innocent nor so bootless as it appears on the surface." He asserted that the motive that lay behind the scheme was undoubtedly a dreadful one involving the maintenance of justice

* See Writings and Speeches, Vol. 2. Pp. 315-401.

and peace by retaliation and had stemmed from the principle that the best way of keeping peace was to be prepared for war. To support his conclusions he quoted the address delivered to the Muslim League Session at Calcutta by the Gandhian nationalist Muslim leader, Maulana Azad, in which the Muslim leader said : "There would be nine Hindu Provinces as against five Muslim Provinces and whatever treatment Hindus accorded to the Muslims in the nine provinces, Muslims would accord the same treatment to the Hindus in the five provinces. Was not this a great gain ? Was not a new weapon gained for the assertion of Muslim rights?" This is a searchlight on the Gandhian nationalist Muslim leaders.

Dr. Ambedkar then dealt with the Muslim demand for Separate Electorates. He described how different people in Europe lived under a common Government in proximity of each other without objecting to a common electorate. He observed : "It does not seem to be sufficiently known that India is not the only country where the Mohammedans are in a minority. There are other countries in which they occupy the same position. In Albania, the Mohammedans form a very large community. In Bulgaria, Greece and Rumania they form a minority and in Yugoslavia and Russia they form a large majority. Have the Mohammedan communities there insisted upon the necessity of separate communal electorates ? As all students of political history are aware, the Mohammedans in these countries have managed without the benefit of Separate Electorates : nay, they have managed without any definite ratio of representation assured to them. The Mohammedan case in India, therefore, overshoots the mark in my opinion and fails to carry conviction." The communal representation, he said, was so fundamentally wrong that to give in to sentiment in its case would be to perpetuate an evil.

Dr. Ambedkar further said: "Although I am for securing special representation for certain classes, I am against their representation through Separate Electorates. Territorial Electorates and Separate Electorates are the two extremes which

must be avoided in any scheme of representation that may be devised for the introduction of a democratic form of Government in this undemocratic country. The golden mean is the system of joint electorates with reserved seats. Less than that would be insufficient, more than that would defeat the ends of good Government."

The report, viewed in the context of principles, theories and personalities then prevailing, was as rationalistic as it was patriotic. It had both a balance and a ballast. When it was published, it derived spontaneous eulogy from Dr. Ambedkar's inveterate foes, obstinate critics and the hostile press. Dr. Ambedkar was found overnight to be a great politician, a great patriot, a diamond in the abysmal coal-mine of the Untouchables, a statesman of rare gift. Like a meteor and a mentor, he emerged as one of the great political minds of his generation. Thus this Report bound him to the active destinies of his country! It will be a sure guide to historians."[1]

As stated above Dr. B. R. Ambedkar had submitted his separate report containing his own views and recommendation. The Summary of Recommendation is below :

"SUMMARY OF RECOMMENDATIONS

SECTION I

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

SECTION II

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

[1] : Keer, Pp. 114-117, and 121-23.

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

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

SECTION III

Chapter 1.—There should be adult franchise.

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

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

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

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

Chapter 6.—The Legislature should have the power of appointing and removing the President, of defining its privileges and regulating its procedure Sections 72D and 80C of the Government of India Act should be removed from the Statute.

The Legislature should have the power to move "a motion of no confidence". The Legislature should have the power to alter the constitution subject to certain conditions.

SECTION IV

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

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

SECTION V

There should be a distinct Provincial Civil Service and the Secretary of State should cease altogether to perform the function of a recruiting agency. His functions regarding the Services may be performed by a Provincial Civil Service Commission or by an officer acting conjointly with the Public Service Commission of India. Indianisation of Services should be more rapid. Its pace should vary with the nature of the different departments of State. Indianisation should be accompanied by a different scale of salary and allowances. In the course of Indianisation of the services arrangement should be made for the fulfilment of claims of the backward classes."[1]

17th May 1929 Dr. B. R. AMBEDKAR

[1] : Writings and speeches, Vol. 2, Pp. 400-01.

"At long lost the report of the Simon Commission came out in may 1930. The Commission disregarded the meaning and aim of Indian nationalism and its forces. It recommended a continuation of Separate Electorate in Indian elections far want of any agreed pact among the Indian political parties : It was the opinion of the Commission that the Nehru Report was not an agreed solution."[1]

In order to discuss the future political Constitution of India the Government decided to hold Round Table Conferance at London. It was necessary that the Depressed Classes must at the critical junture assert themselves and make it clear to the power that be as to what safeguards and guarantees the future Constitution of India must contain for the protection of their civic rights. With this view it was decided in consultation with Dr. B. R. Ambedkar to bring out people from the difference provinces of India together for the purpose of the discussion. Accordingly the All India Depressed Classes Congress was convened at Nagpur under the Presidentship of Dr. B. R,, Ambedkar on 8th/9th August 1930. On 8th August 1930 Dr. Ambedkar spoke of the Indian problem in the context of British Imperialism or world affair keeping in view the safeguards and guarantees to be provided to the Depressed Classes in the proposed Constitution of India.

"As declared, the British Government convened a Round Table Conference in London consisting of the representatives of India, the British Government and the British Political parties to frame a Constitution for India with a view to satisfying the demands of the people of India.

The Round Table Conference consisted of eighty-nine Members, out of which sixteen were representatives of the three British parties, fifty-three Indian Members of the delegation representing various interest except the non-co-operting Congress, and twenty of the Indian States. Amongst the invitees were thirteen eminent Hindu liberal leaders including Sir Tej Bahadur Sapru, M. R. Jayakar, Sir Chimanlal Setalvad, Srinivas

[1] : Keer, P. 139.

Sastri and C. Y. Chintamani. Representing the Muslims, were H. H. the Aga Khan, Sir Muhamed Shafi, Mohomed Ali Jinnah, and Fazlul Huq, while Sardar Ujjal Singh represented the Sikhs, Dr. B. S. Moonje, the Hindu Mahasabha, K. T. Paul, the Indian Christians, Rulers of Alwar, Baroda, Bhopal, Bikaner, Kashmir, Patiala and Sir Akbar Hydari, Sir C. P. Ramaswamy Aiyar, Sir Mirza Ismail represented the Indian States. Sir A. P. Patro and Bhaskarrao V. Jadhav represented other interests; Dr. Ambedkar and Rao Bahadur Srinivasan represented the Depressed Classes. Dr. Ambedkar received the invitation to the Round Table Conference through the Viceroy on September 6, 1930. The Round Table Coference was indeed a great event in the history of both India and England. But to the Untouchables in particular it was an epoch-making event in their history; for, it was at this Conference that they were being invested along with other Indians with the right to be consulted in the framing of the Constitution for India. Their voice was to echo for the first time in the history of two thousand years, and more so in the governance of their Motherland.

Dr. Ambedkar left Bombay for London on October 4, 1930, by the *s.s. Viceroy of India.* The atmosphere in the country was not congenial to his departure. The whole country was in a turmoil. Congressmen hated, abused and cursed those leaders who co-operated with the British Government in solving the Indian problem in their own honest way. The situation was so tense and fraught with danger that Dr. Ambedkar wrote from Aden, on October 8, to Shivtarkar, his secretary and trusted lieutenant, that he was very anxious for their safety. He warned them to be on their guard in their walks and talks and to avoid all work at night. He asked him to lock the office of the party with an iron bar across it and to watch the movements of a certain Depressed Class leader in Bombay who was at loggerheads with their organization.

Dr. Ambedkar found the political atmosphere in England much sympathetically inclined to the problem of the Depressed Classes. On his arrival, he immediately began to contact Britain's important political party bosses in connection with the problem of the Depressed Classes. Yet he was anxious to know

by cable from India about the new list of the members nominated to the Bombay Legislative Council and about the judgment of the Court on the Chawdar Tank Case.

The curtain was raised on November 12, 1930. Keen interest was evinced by the British public in the opening of the Round Table Conference. Approaches to the House of Lords, the avenue of the Conference, were thronged by spectators. His Majesty the King-Emperor appeared. Inaugurating the Conference, he said : "More than once the Sovereign has summoned historic assemblies on the soil of India, but never before have British and Indian statesmen and Rulers of Indian States met, as you now meet, in one place round one table, to discuss the future system of Government for India and seek agreement for the guidance of my Parliament as to the foundations upon which it must stand." The King-Emperor concluded by expressing a hope : "May your names go down to history as those of men who served India well". After the King-Emperor had withdrawn from the House, Ramsay MacDonald was unanimously elected Chairman of the Round Table Conference. A labour leader and author of *The Government of India,* he expressed Britain's determination to solve the Indian problem, and said that they were at the birth of a new history.

The Round Table Conference was not a Constituent Assembly entrusted with the work of drafting a Constitution. It was a gathering of Indian and British statesmen who were not to take decisions by votes. The sense of the Conference on the main issues which came up before it for consideration was to be ascertained and noted.

The venue of the Conference thereafter shifted to St. James' Palace. During the course of a general discussion which took place from 17th November to 21st November, Sapru, Jayakar. Moonje, Jinnah, the Maharaja of Bikaner and Dr. Ambedkar made very sincere and impressive speeches. In his lucid and appealing style the guide, friend and philosopher of the Conference, Sir Tej Bahadur Sapru, said : "India wants and is determined to achieve, a status of equality—equality with all the three members of the British Commonwealth—an equality which will give it a Government not merely responsive to, but responsible to the popular voice."

The Maharaja of Bikaner identified himself and the princely order with the aspirations of British India and declared that the Princes were prepared to federate of their own free will with self-governing Federal British India. This was a surprise to all. This declaration of Federation was also endorsed by the Maharaja of Patiala and the Nawab of Bhopal.

The Muslim Members welcomed an All-India Federation : but with great vigour they pressed for a status for the North-West Province equal to that of the other Provincial units of British India and for the creation of a separate province of Sind.

Jayakar, in his deep and sweet flow of speech, asked for a declaration of Dominion Status, and added: "If you give India Dominion Status today, in the course of a few months the cry of independence will die of itself. If, on the other hand, we return empty-handed from our labours in the Conference, it will be the surest way of raising in volume and in intensity this demand for independence."

Dr. Moonje, following the Maharaja of Patiala, refuted all the arguments of Lord Peel and told the Conference how the British Government had crushed Indian shipping, cotton and other industries. He added that the British belief that they would put down the National Movement of Civil Disobedience by a display of force was erroneous ; the time had passed.

N. M. Joshi pleaded for more rights for the labourers in the new constitution. Sir Mirza said that the future constitution should be based on federal basis. Sir C. P. Ramaswami Iyer opined that the future constitution should be worth living under. Then, after two or three speakers, rose a man, stout, sober and confident, with scintillating eyes and tight lips. Arisen from the lowest rung to the height by dint of his mental and moral force alone, he sat there in the assembly of the princes and potentates, legal celebrities and great brains representing great thrones, jahagirs, institutions and interests. He represented the poorest of India's poor who were half-fed, half-nude and dumb ! What would he say now ? How would he say it ? There was in the Assembly the prince who had financed his education. There was one amongst them who was

his teacher in the school. All eyes were rivetted upon the speaker. He was not the least agitated. He knew his mind; he knew what to say and how to say it. Except the Premier MacDonald and Joshi none from that August Assembly had seen poverty in its crudest and ugliest form. There were highlights in the Conference, Pundits and literateurs, but he was the only leader who had attained the highest degree in the academic world, the Doctorate in Science. This man was Dr. Ambedkar, the leader of the suppressed humanity in India.

At the outset, Dr. Ambedkar declared that in speaking before the Conference, he was placing the viewpoint of one-fifth of the total population of British India—a population as large as the population of England or France—which was reduced to a position worse than that of a serf or a slave. He then declared to the surprise of all that the Untouchables in India were also for replacing the existing Government by a Government of the people, for the people and by the people. He said that this change in the attitude of the Untouchables to British rule in India was surprising and a momentous phenomenon. And justifying his stand, he observed with a rise in his voice and a glow in his eyes : " When we compare our present position with the one which it was our lot to bear in Indian society of pre-British days, we find that, instead of marching on, we are marking time. Before the British, we were in the loathsome condition due to our Untouchability. Has the British Government done anything to remove it ? Before the British, we could not draw water from the village well. Has the British Government secured us the right to the well ? Before the British, we could not enter the temple ? Can we enter now? Before the British, we were denied entry into the Police Force. Does the British Government admit us into the force ? Before the British. we were not allowed to serve in the Military. Is that career now open to us ? To none of these questions can we give an affirmative answer. Our wrongs have remained as open sores and they have not been righted, although 150 years of British rule have rolled away."

"Of what good is such a Government to anybody ?" he asked the Conference. At this the British representatives looked at one another. There was a stir among the Indian representatives. "It was a Government," continued Dr. Ambedkar, "which did realize that the capitalists were denying the workers a living wage and decent conditions of work and which did realize that the landlords were squeezing the masses dry, and yet it did not remove social evils that blighted the lives of the down-trodden classes for several years. Although it had," he proceeded, "the legal powers to remove these evils, it did not amend the existing code of social and economic life, because it was afraid that its intervention would give rise to resistance." He threrefore, declared : We must have a Government in which the men in power will give their undivided allegiance to the best interests of the country. We must have a Government in which men in power, knowing where obedience will end and resistance will begin, will not be afraid to amend the social and economic ' code of life which the dictates of justice and expendiency so urgently call for."

Dr. Ambedkar upheld the demand for Dominion Status, but expressed doubts as to whether the Depressed Classes would be heir to it unless the political machinery for the new constitution was of a special make. While making that constitution, it should be noted, he observed, that the Indian society which was formed with an ascending scale of reverence and a descending scale of contempt and was a gradation of castes, gave no scope for the growth of the sentiment of equality and fraternity, and the intelligentsia which came of the upper strata and conducted political movements had not shed its narrow particularism of castes. Hence he asserted : "We feel nobody can remove our grievances as well as we can, and we cannot remove them unless we get political powers in our own hands. I am afraid the Depressed Classes have waited too long for time to work its miracle!"

Referring to the Indian deadlock, he recalled the memorable words of Edmund Burke whom he called the greatest teacher of political philosophy that " the use of force is but temporary"

Concluding his brilliant speech, he sounded a great warning to the British Government and to those who were engaged in the "battle of wits" in the Conference : I am afraid it is not sufficiently realized that in the present temper of the country, no constitution will be workable which is not acceptable to the majority of the people. The time when you were to choose and India was to accept is gone, never to return. Let the consent of the people and not the accident of logic be the touchstone of your new constitution, if you desire that it should be worked." * #

The fearless tone and the bold criticism in the speech had a wonderful effect upon the Conference. The frankness and fearlessness with which Dr. Ambedkar lucidly put the facts before the Conference impressed the delegates immensely, and they congratulated him on his brilliant speech. It created a good impression upon the British Premier. The *Indian Daily Mail* described this speech as one of the finest bits of oratory during the whole Conference. One man in the Conference was extremely pleased with his speech. He returned to his kingly residence full of admiration, satisfaction and high appreciation; and with joyful tears in his eyes, he told his princely wife that their efforts and the money they had spent on the speaker of the day were all realised. It was an achievement, a glorious success ! This admirer was nobody else than His Highness the Maharaja of Baroda who invited Dr. Ambedkar to a special dinner given by him in London to his choice friends. It was a strange freak of destiny that Gaekwad and Ambedkar should meet after years of estrangement in a melodramatic situation.

The effect of this powerful speech of Dr. Ambedkar was tremendous on the newspapers also. The English newspapers and pressmen devoted their attention to the leader of the Depressed Classes and English statesmen, like Lord Sydenham, O'Dwyer and others, who had bitterly criticized Dr. Ambedkar's Nagpur speech in the *Spectator,* were now thoroughly convinced that Dr. Ambedkar was a nationalist; and so they began to whisper

* Indian Round Table Conference, 1930-31, Proceedings Pp. 123-29.

#Speeches of Dr. B. R. Ambedkar in R.T.C. See Dr. Babasaheb Ambedkar Writings and Speeches Vol. 2—Editors.

that he also was one of the revolutionary leaders of India. Some of the English statesmen confidentially asked A. B. Latthe whether Dr. Ambedkar belonged to the revolutionary camp. And this inquiry on the part of the British statesmen was not unexpected. It may be recalled how the British secret police had taken a full search of Dr. Ambedkar when he landed in Britain, in 1917 from America.

During the early period of the Conference, there was an attempt made by the Liberal leaders—Sapru, Sastri and Satalvad, to reach an agreement with the Muslim delegates on the communal question. The Hindu delegates held meetings at the residence of Sir Cowasji Jehangir under the Chairmanship of Sastri to discuss the possibility of a compromise with the Muslim delegates. Moonje and Jayakar expressed the view that such a settlement would be possible after the grant of Dominion Status. The Liberal leaders—Jayakar, Moonje and Ambedkar held parleys with the Nawab of Bhopal, the Aga Khan, Jinnah and others at the residence of the Nawab of Bhopal, but the talks broke down over the Muslim demand for separation of Sind which was solidly opposed by Moonje and Jayakar. Besides, the Muslim leaders were not prepared to grant the same proportion of reserved seats to the Hindus and Sikhs in Muslim majority Provinces as they asked for themselves in others Provinces.

After the general discussion in the plenary session, the Conference appointed nine sub committees and Dr. Ambedkar found himself a Member of almost all the important subcommittees except the Federal Structure Committee. He served on the Minorities Sub-Committee, the Provincial Sub-Committee and the Services Sub-Committee with the great luminaries from India and England. In the course of the discussion on the report of the Provincial Sub-Committee, Dr. Ambedkar supported Chintamani's view that it was absolutely unnecessary and undesirable to have a Second Chamber in any province in India.

While the report of the Defence Committee was being discussed, Dr. Ambedkar pleaded that the recruitment to the Army should be upon to all Indians consistently with the considerations of efficiency and the possession of the necessary qualifications.

The most important work Dr. Ambedkar did to achieve his goal was the preparation of the Declaration of Fundamental Rights, safeguarding the cultural, religious and economic rights of the Depressed Classes. He prepared the scheme with great labour and statesmanship, and submitted it to the Minorities Subcommittee for being included in the future constitution of India. The title of the scheme was : 'A Scheme of Political Safeguards for the Protection of the Depressed Classes in the Future Constitution of a self-governing India." [1]

The text of the Memorandum alongwith its background framed by Dr. B. R. Ambedkar is as follows—Editors.

"On the 12th November 1930, His late Magesty King George V formally inaugurated the Indian Round Table Conference. From the point of view of Indians the Round Table Conference was an event of great significance. Its significance lay in the recognition by His Majesty's Government of the right of Indians to be consulted in the matter of framing a constitution for India. For the Untouchables it was a landmark in their history. For, the Untouchables were for the first time allowed to be represented separately by two delegates who happened to be myself and Dewan Bahadur R. Srinivasan. This meant that the Untouchables were regarded not merely a separate element from the Hindus but also of such importance as to have the right to be consulted in the framing of a constitution for India.

The work of the Conference was distributed among nine Committees. One of these Committees was called the Minorities Committee to which was assigned the most difficult work of finding a solution of the Communal question. Anticipating that this Committee was the most important committee the Prime Minister, the late Mr. Ramsay Mac Donald, himself assumed its chairmanship. The proceedings of the Minorities Committee are of the greatest importance to the Untouchables. For, much of what happened between the Congress and the Untouchables and which has led to bitterness between them will be found in the proceedings of that Committee.

1 : Keer, Pp. 144-153.

When the Round Table Conference met the political demands of communities other than the Untouchables were quite well known. Indeed the Constitution of 1919 had recognized them as statutory minorities and provisions relating to their safety and security were embodied in it. In their case the question was of expanding those provisions or altering their shape. With regard to the Depressed Classes the position was different. The Montagu-Chelmsford report which preceded the Constitution of 1919 had said in quite unmistakable terms that provision must be made in the Constitution for their protection. But unfortunately when the details of the Constitution were framed, the Government of India found it difficult to devise any provisions for their protection except to give them token representation in the legislatures by nomination. The first thing that was required to be done was to formulate the safeguards deemed necessary by the Untouchables for their protection against the tyranny and oppression of the Hindus. This I did by submitting a Memorandum to the Minorities Committee of the Round Table Conference. To give an idea of the safeguards that were formulated by me, I reproduce below the text of the Memorandum:—

A Scheme of Political Safeguards for the Protection of the Depressed Classes in the Future Constitution of a self-governing India, submitted to the Indian Round Table Conference.

The following are the terms and conditions on which the Depressed Classes will consent to place themselves under a majority rule in a self-governing India.

Condition No 1:

EQUAL CITIZENSHIP

The Depressed Classes cannot consent to subject themselves to majority rule in their present state of hereditary bondsmen. Before majority rule is established then emancipation from the system of Untouchability must be an accomplished fact. It must not be left to the will of the majority. The Depressed Classes must be made free citizens entitled to all the rights of citizenship in common with other citizens of the State.

(A) To secure the abolition of Untouchability and to create the equality of citizenship, it is proposed that the following fundamental right shall be made part of the Constitution of India.

FUNDAMENTAL RIGHT

"All subjects of the State in India are equal before the law and possess equal civic rights. Any existing enactment, regulation, order, custom or interpretation of law by which any penalty, disadvantage, disability is imposed upon or any discrimination is made against any subject of the State on account of Untouchability shall, as from the day on which this Constitution comes into operation, cease to have any effect in India."

U.S.A. Constitution amendment XIV and Government of Ireland Act 1920, 10 & 11 Geo. V. Ch. 67. Sec. 5 (2).

(B) To abolish the immunities and exemptions now enjoyed by executive officers by virtue of Sections 110 and 111 of the Government of India Act 1919 and their liability for executive action be made co-extensive with what it is in the case of a European British Subject.

This is so in all Constitutions. See Prof. Keith's remarks in Cm. 207, p.56.

Condition No. 11 :

FREE ENJOYMENT OF EQUAL RIGHTS

It is no use the Depressed Classes to have a declaration of equal rights. There can be no doubt that the Depressed Classes will have to face the whole force of orthodox society if they try to exercise the equal rights of citizenship. The Depressed Classes therefore feel that if these declarations of rights are not to be mere pious pronouncements, but are to be realities of everyday life, then they should be protected by adequate pains and penalties from interference in the enjoyment of these declared rights.

(A) The Depressed Classes therefore propose that the following sections should be added to Part XI of the Government of India Act 1919, dealing with Offences, Procedure and Penalties:—

(i) Offence of Infringement of Citizenship.

U.S. Statutes At Large. Civil Rights protection Acts of April 9, 1868, and of March 1, 1875—passed in the interest of the Negroes after their emancipation.

"*Whoever denies to any person except for reasons by law applicable to persons of all classes and regardless of any previous condition of Untouchability the full enjoyment of any of the accommodations, advantages, facilities, privileges of inns, educational institutions, roads, paths, streets, tanks, wells and other watering places, public conveyances on land, air or water, theatres or other places of public amusement, resort or convenience whether they are dedicated to or maintained or licensed for the use of the public shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.*"

(B) Obstruction by orthodox individuals is not the only menace to the Depressed Classes in the way of peaceful enjoyment of their rights. The commonest form of obstruction is the social boycott. It is the most formidable weapon in the hands of the Orthodox Classes with which they beat down any attempt on the part of the Depressed Classes to undertake any activity if it happens to be unpalatable to them. The way it works and the occasions on which it is brought into operation are well described in the Report of the Committee appointed by the Government of Bombay in 1928 "to enquire into the educational, economic and social condition of the Depressed Classes (untouchables) and of the Aboriginal Tribes in the Presidency and to recommend measures for their uplift." The following is an extract from the same :—

Depressed Classes and Social Boycott

"102. Although we have recommended various remedies to secure to the Depressed Classes their rights to all public utilities we fear that there will be difficulties in the way of their exercising them for a long time to come. The first difficulty is the fear of open violence against them by the Orthodox Classes. It must be noted that the Depressed Classes form a small minority in every village, opposed to which is a great majority of the orthodox who are bent on protecting their interests and dignity from any supposed invasion by the Depressed Classes at any cost. The danger of prosecution

by the Police has put a limitation upon the use of violence by the orthodox classes and consequently such cases are rare.

"The second difficulty arises from the economic position in which the Depressed Classes are found to-day. 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 sometimes small causes suffice for the proclamation of a social boycott against the Depressed Classes. Frequently it follows on the exercise by the Depressed Classes of their right to the use of the common-well, but cases have been by no means rare where a stringent boycott has been proclaimed simply because a Depressed Class man has put on the sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has carried a marriage procession with the bridegroom on the horse through the public street.

"We do not know of any weapon more effective than this social boycott which could have been invented for the suppression of the Depressed Classes. The method of open violence pales away before it, for it has the most far reaching and deadening effects. It is more dangerous because it passes as a lawful method consistent with the theory of freedom of contact. We agree that this tyranny of the majority must be put down with a firm hand, if we are to guarantee the Depressed Classes the freedom of speech and action necessary for their uplift."

In the opinion of the Depressed Classes the only way to overcome this kind of menace to their rights and liberties is to make social boycott an offence punishable by law. They are therefore bound to insist that the following sections should be added to those included in Part XI, of the Government of India Act 1919, dealing with offences, Procedure and Penalties.

I. OFFENCE OF BOYCOTT DEFINED

(i) *A person shall be deemed to boycott another who—*

This and the following legal provisions are bodily taken from Burma Anti-Boycott Act, 1922, with a few changes to suit the necessities of the case.

(a) *refuses to let or use or occupy any house or land, or to deal with, work for hire, or do business with another person, or to render to him or receive 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. PUNISHMENT FOR BOYCOTTING

Whoever, in consequence of any person having done any act which he was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do, or with intent to cause harm to such person in body, mind, reputation or property, or in his business or means of living, boycotts such person or any person in whom such person is interested, shall be punished with imprisonment of either description which may extend to seven years or with fine or with both.

Provided that no offence shall be deemed to have been committed under this Section, if the Court is satisfied that the accused person has not acted at the instigation of or in collusion with any other person or in pursuance of any conspiracy or of any agreement or combination to boycott.

III. PUNISHMENT FOR INSTIGATING OR PROMOTING A BOYCOTT

Whoever—

(a) *publicly makes or publishes or circulates a proposal for,* or

(b) *makes, publishes or circulates any statement, rumour or report with intent to, or which he has reason to believe to be likely to, cause* or

(c) *in any other way instigates or promotes the boycotting of any person or class of persons, shall be punished with imprisonment which may extend to five years, or with fine or with both.*

Explanation.—An offence under this section shall be deemed to have been committed although the person affected or likely to be affected by any action of the nature referred to herein is not designated by name or class but only by his acting or abstaining from acting in some specified manner.

IV. PUNISHMENT FOR THREATENING A BOYCOTT

Whoever, in consequence of any person having done any act which he was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do, or with intent to cause any person to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, threatens to cause such person or any person in whom such person is interested, to be boycotted shall be punished with imprisonment of either description for a term which may extend to five years or with fine or with both.

Exception :—It is not boycott

(i) *to do any act in furtherance of a* bona fide *labour dispute,*

(ii) *to do any act in the ordinary course of business competition.*

N.B.—*All these offences shall be deemed to be cognizable offences.*

Condition No. III

PROTECTION AGAINST DISCRIMINATION

The Depressed Classes entertain grave fears of discrimination either by legislation or by executive order being made in the future. They cannot therefore consent to subject themselves to majority rule unless it is rendered impossible in law for the legislature or the executive to make any invidious discrimination against the Depressed Classes.

It is therefore proposed that the following Statutory provision be made in the constitutional law of India :—

"*It shall not be competent for any Legislature or executive in India to pass a law or issue an order, rule or regulation so as to violate the rights of the Subjects of the State, regardless of any previous condition of Untouchability, in all territories subject to the jurisdiction of the dominion of India,*

(1) to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property,

(2) to be eligible for entry into the civil and military employment 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 accommdations, advantages, facilities, educational institutions, privileges of inns, rivers, streams, wells, tanks, roads, paths, streets, public conveyances on land, air and water, theatres, and other places of public resort or amusement except for such conditions and limitations applicable alike to all subjects of every race, class, caste, colour or creed,

(4) to be deemed fit for and capable of sharing without distinction the benefits of any religious or charitable trust dedicated to or created, maintained or licensed for the general public or for persons of the same faith and religion,

(5) to claim full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by other subjects regardless of any previous condition of Untouchability and be subject to like punishment, pains and penalties and to none other.