

THE CABINET MISSION AND THE UNTOUCHABLES

How the Cabinet Mission have Ignored the Untouchables ?

“Karachi, October 14, 1946,

Dr. B. R. Ambedkar, Scheduled Castes Leader and Former Member of the Viceroy’s Executive Council, arrived in Karachi by air from Bombay on his way to London today.

Dr. Ambedkar said that he was proceeding on a political mission and would meet Mr. C. R. Atlee, Prime Minister, and Mr. Churchill and discuss Indian constitutional matters with them. He declined to be drawn into any further discussion or to clarify the details of his mission—A.P.I.”¹

Dr. B. R. Ambedkar prepared and carried following Memorandum for circulation—Editors.

“The Cabinet Mission in their Statement of 10th May set out their Interim and Long-term proposals for the solution of the political deadlock in India. The most galling and astounding feature of their proposals is their refusal to recognise the Untouchables as a separate and distinct element in the national life of India. The Mission has so completely ignored the Untouchables that not even once have they mentioned them in their long statement. To what extent the Cabinet Mission has gone in ignoring the Untouchables will be apparent from the following:—

- (i) The Untouchables have not been given the right to nominate their representatives in the Cenral Executive as have been done in the case of the Sikhs and the Muslims. In the present Interim Government they have got two representatives of the Scheduled Castes neither of them owe any allegiance or obligation to the Scheduled Castes. One is nominated by the Congress and the other is nominated by the Muslim League.
- (ii) In the interim Government, the Untouchables have not been given a fixed quota of representation as was done in the case of the Muslims. At the Simla Conference of 1945 it was

¹: The Times of India, dated 15th October 1946.

agreed that Scheduled Castes should have at least two members in a Cabinet of 14. The reason for a change of front between 1945 and 1946 is not known.

- (iii) They have not been given the right to separate representation in the Constituent Assembly. How the Cabinet Mission's decision constitutes a departure from established policy of H.M.G.

2. The decision of the Cabinet Mission has not only done a grave wrong to the Untouchables but it has registered a serious departure from the principles which have guided H.M.G. in its policy regarding Indian politics and regarding the position of the Untouchables.

- (i) Before 1920, the Constitutional changes in the Government of India were made by the British Government on their own authority and in accordance with their own wishes.. It was for the first time, that in 1920 that the British Government decided to frame the Constitution of India in consultation with Indians. Accordingly, a Round Table Conference was called to which Indians were invited. Among the Indians, there were representatives of the Untouchables who were invited separately and independently of the Congress or of any other political party.
- (ii) Mr. Gandhi, the Congress representative, at the Round Table Conference fought against the recognition of the Untouchables as a separate element in the national life of India and contended that they were part of the Hindus and were therefore not entitled to separate representation. The British Government over-ruled Mr. Gandhi and by their Award recognised that the Untouchables were a separate and distinct element in the national life of India and were therefore entitled to the same safeguards as the other minorities of India such as the Muslims, Indian Christians etc.
- (iii) The British Government adhered to this principle in the Simla Conference which was held in June 1945. Among the Indians invited to that Conference, there was a representative of the Untouchables who again was invited separately and independently of the Congress or any other political party.

- (iv) It may be said that in the Constituent Assembly which formed part of the Cripps proposals of 1942, there was no provision for separate representation of the Untouchables and that therefore, the present proposals of the Cabinet Mission cannot be said to mark a departure. The answer is that they do. In the Cripps Proposals of 1942, it is not that the Untouchables alone were not given separate representation. The fact is that no minority community was given separate representation in the Constituent Assembly. But in the Constitution of the Constituent Assembly of the Cabinet Mission, the Muslims and the Sikhs have been given separate recognition and separate representation which is denied to the Untouchables. It is this discrimination which constitutes the wrong of which the Untouchables are complaining.

3. The inequity of the proposals of the Cabinet Mission thus lies in the fact that it departs from the policy of recognising the Untouchables as a separate element in the national life of India and discriminates them by not recognising them while recognizing the Muslims and Sikhs.

How the Cabinet Mission's decision abrogates the pledges given by H.M.G to the Untouchables ?

4. The non-recognition of the Untouchables as a separate element by the Cabinet Mission is contrary to the pledges given to them by and on behalf of the British Government. The following are some of the pledges worth mentioning.

(i)

“Nor must we forget the essential necessity in the interests of Indian unity, of the inclusion of the Indian States in any Constitutional Schemes.

I need refer only two of them—the great Muslim minority and the Scheduled Castes—there are the guarantees that have been given to the minorities in the past ; the fact that their position must be safeguarded, and that those guarantees must be honoured.”

—*Extract from the speech made by Lord Linlithgow, at the Orient Club, Bombay on January 10, 1940.*

(ii)

“These are two main points which have emerged. On these two points, His Majesty’s Government now desire me to make their position clear. The first is as to the position of the minorities in relation to any future Constitutional Scheme It goes without saying that they (H. M. Government) could not contemplate the transfer of their present responsibilities for the peace and welfare of India to any system of Government whose authority is directly denied by large and powerful elements in India’s national life. Nor could they be parties to the coercion of such elements into submission to such a Government.”

—*Extract from the Statements by Lord Linlithgow on 8th August 1940.*

(iii)

“Congress leaders have built up a remarkable organization, the most efficient political machine in India... if only they had succeeded. If the Congress could in fact speak, as it professes to speak, for all the main elements in India’s national life, then however advanced their demands, our problem would have been in many respect far easier than it is today. It is true that they are numerically the largest single party in British India, but their claim in virtue of that fact to speak for India is utterly denied by very important elements in India’s complex national life. These others assert their right to be regarded not as mere numerical minorities but as separate constituent factors in any future Indian policy. The foremost among these elements stands the great Muslim community. They will have nothing to do with a Constitution framed by a Constituent Assembly elected by a majority vote in geographical constituencies. They claim the right in any constitutional discussions to be regarded as an entity against the operations of a mere numerical majority. The same applies to the great body what are known as the

Scheduled Castes who feel, in spite of Mr. Gandhi's earnest endeavours on their behalf, that as a community, they stand outside the main body of the Hindu community which is represented by the Congress."

—*Extract from the speech by the Rt. Hon'ble
Mr. L.S. Amery, Secretary of State for India,
in the House of Commons on August 14, 1940.*

(iv)

"Without recapitulating all these reasons in detail, I should remind you that His Majesty's Government at that time made it clear:—

- (a) That, their offer of unqualified freedom after the hostilities was made conditional upon the framing of a Constitution agreed by the main elements of India's national life and the negotiation of the necessary treaty arrangements with His Majesty's Government;
- (b) That, it is impossible during the period of hostilities to bring about any change in the Constitution by which means alone a "National Government" such as you suggest could be made responsible to the Central Assembly.

The object of these conditions was to ensure the fulfilment of their duty to safeguard the interest of the racial and religious minorities, of the Depressed Classes and their treaty obligations to the Indian states."

—*Extract from the letter by Lord Wavell to Mr. Gandhi,
dated 15th August, 1944.*

5. The Cabinet Mission's proposal not to give separate representation to the Untouchables is not the result of their individual judgement arrived at on an honest examination of the relevant facts. On the other hand, what the Mission has done is to pamper to the prejudices of Mr. Gandhi. Mr. Gandhi is vehemently opposed to the recognition of the Untouchables as a separate element in the national life of India. He opposed their

recognition at the Round Table Conference. When he found that notwithstanding his opposition they were recognized as a separate element by the Communal Award of Mr. Ramsay Macdonald he threatened to fast unto death if the separate recognition of the Untouchables was not withdrawn. Again in 1945 at the First Simla Conference Mr. Gandhi raised his opposition when he found that H.M.G. had given separate recognition of the Untouchables. The Cabinet Mission were anxious to make a success of their proposals. That was not possible unless they could secure the consent of Mr. Gandhi. Mr. Gandhi demanded his price and mission gave it. That price was the sacrifice of the separate political existence of the Untouchables. Indeed one can go further and say that the proposals of the Cabinet Mission, so far as the minorities are concerned, are nothing but the reproduction of Mr. Gandhi's formula which he resounded at the Second Round Table Conference. Mr. Gandhi said that he would recognise only three communities for political purposes (1) Hindus, (2) Muslims and (3) Sikhs. The Mission's formula is a mere copy of Mr. Gandhi's formula. There is no other explanation.

III

Grounds urged by the Cabinet Mission in justification of its decision.

6. For justifying their decision not to recognise the Untouchables as a separate element the Cabinet Mission has relied upon the results of the elections to the Provincial Legislative Assemblies which took place in February 1948. In the course of the debate in Parliament on the Cabinet Mission's proposals which took place on 18th July 1946, the members of the Mission have tried to make out the following points :—

- (i) That, in the election, the Congress captured all seats reserved for the Untouchables; that therefore the Congress represented the Untouchables. That being the case there was no justification for giving separate representation to the Untouchables.
- (ii) That, the following of the All-India Scheduled Castes Federation and my own was confined only to Bombay and Central Provinces.

Futility of the grounds

7. These are monstrous propositions and will not stand close an honest scrutiny. The Cabinet Mission, to start with committed a great mistake in adopting the results of the election as a basis for assessing the representative character of the Congress. In doing so, the Mission failed to take into account the following circumstances :—

- (i) The Hindu electorate was throughout the war intensely anti-British and although it did war work it did not do it willingly. The Congress Party which was anti-British and had non-co-operated with the war effort was a hot favourite of the Hindu electorate. The other parties particularly the Scheduled Castes suffered in the election because they were pro-British and had co-operated in the war effort.
- (ii) Just before the date fixed for election, the Viceroy and the Commander-in-Chief staged the trial of the I.N.A. men. The Congress at once took up the cause of the I.N.A. men and made it an election issue. The trial was the principal factor which enhanced the influence of the Congress which was on the wane.
- (iii) The issue over which the election was fought was Independence and Quit India. The nature of the future Constitution of India was never the issue. If it had been the issue the Congress would never have got the majority it did.
- (iv) The Cabinet Mission did not take into account the open hostility shown by the Returning Officers and the Polling Officers—all of whom were Caste Hindus—against the Scheduled Caste candidates who were opposing the Congress. They went to the length of rejecting their nomination papers and refusing to issue ballot papers. The Cabinet Mission did not take into account the degree of terrorism and intimidation to which the Untouchable voters were subjected by the Caste Hindus on the ground that they were not prepared to vote for the Congress candidates. In the Agra City 40 houses of the Untouchables were burnt down. In Bombay one man from the Untouchable was murdered and in

the moffusil Untouchable voters in hundreds of villages were not allowed to go to the Polling stations. In Nagpur a Police Officer became so much of a partisan of the Congress that he fired without the permission of the Magistrate on a crowd of Untouchable voters just to frighten them away. There were innumerable such cases all over India.

8. If the Cabinet Mission had taken into account these circumstances they would have realized that the success of the Congress at the elections was due to purely advantageous circumstances. The results of the elections held under such circumstances should not have been taken as a justification for not giving separate representation to the Untouchables in the Constituent Assembly.

How the Mission adopted a false criterion for its decision.

9. The criterion adopted by the Mission to decide whether the Congress did or did not represent the Untouchables was how many seats reserved for Untouchables were won by the Congress in the Final Election. This criterion was a false criterion because the results of the final elections are beyond the control of the Untouchables. Under the Poona Pact the final elections are determined by the Hindu votes. The true criterion which the Mission should have adopted was to find out how the Untouchables voted, how many votes were cast in favour of the Congress and how many against the Congress. This can be judged from the results of the Primary elections only and not from the results of the Final elections. For in the Primary election only the Untouchables vote. If the results of the Primary elections are taken as a basis, the decision of the Cabinet Mission, would be found to be absurd and contrary to facts. For only 28 per cent of the votes polled in the Primary elections were cast in favour of the Congress and 72 per cent against it.

10. It is said if the Untouchables felt that they were not in the Congress they should have had a Primary election for every one of the 151 seats reserved for them. As a matter of fact, there were Primary elections for 43 seats only all throughout India. Why did the Untouchables not stage a Primary election for the rest of the 108 seats ?

The argument is absurd for the following reasons :—

- (i) Primary election is not obligatory. It becomes obligatory only when there are more than four candidates contesting one seat. It is not realized that anyone who stands for Primary election must also face the necessity of having to stand for Final election. The inability of the Untouchables to bear the expense of double election make it very difficult to induce members of the Untouchable communities to stand for Primary election. The fact that there have been Primary elections only for 43 seats cannot be made the basis for the inference that the Untouchables do not claim to be separate from the Congress.
- (ii) It is the Congress who must be asked as to why it did not put up 4 candidates in every constituency in the Primary elections. For if the Congress claims to represent the Untouchables, it should have put up more than 4 candidates on Congress ticket in every constituency and brought about Primary elections in each of the 151 constituencies and ousted every other party from coming into the Final election. The Congress did not do this. On the other hand, even in the 43 Primary elections, the Congress put up only one candidate in each constituency on the off-chance of his coming within the first 4 and then getting him returned in the Final Election with the Hindu votes. This shows that the Congress knew that the Untouchables had no confidence in the Congress.
- (iii) It is only in 1937 that the Untouchables for the first time got their right to vote. It is only after 1937 that the Untouchables started organizing themselves for conducting elections. From the mere fact that Scheduled Castes Federation was outmatched by the Congress in the elections, it is wrong to conclude that the Untouchables are with the Congress. The Cabinet Mission ought to have made allowance from the unequal strength of the Congress and the Scheduled Castes Federation in fighting elections drawing any conclusions adverse to the Federation from the results of the elections.

Futility of the grounds urged by the Mission in justification of their decision

11. The members of the Cabinet Mission argued that Dr. Ambedkar's following was confined to the Scheduled Castes in the Bombay Presidency and the Central Provinces only. There is no foundation for this statement. The Scheduled Castes Federation is functioning in other Provinces as well and it has won therein notable electoral successes, as great as, if not greater than, in Bombay and the Central Provinces. In making this statement the Mission has failed to take into account the single victory Dr. Ambedkar obtained in the election to the Constituent Assembly. He stood as a candidate from the Bengal Provincial Legislative Assembly. He topped the poll as the general seats were concerned, beating even Mr. Sarat Chandra Bose the Leader of the Congress Party. If Dr. Ambedkar has no influence outside Bombay and Central Provinces how did he get elected from Bengal? It must be further remembered that there are 30 seats for the Scheduled Castes in the Bengal Provincial Assembly. Out of the 80 as many as 28 were elected on the Congress ticket. Of the two who belonged to his party one fell ill on the day of the election. Notwithstanding this Dr. Ambedkar topped the poll. This could not have happened unless the Scheduled Caste members of Bengal elected on the Congress ticket had voted for him. It must also be remembered that Scheduled Castes in Bengal do not belong to the community to which Dr. Ambedkar belongs. This shows that even those Scheduled Caste members who belong to the Congress and who do not belong to his community regard him as the leader of the Scheduled Castes. This completely disproves the statement made by the members of the mission.

12. The member of the Cabinet Mission argued that for the sake of maintaining uniformity in the composition of the constituent Assembly they had to adopt in the case of the Untouchables the result of the Final elections as they had done in the case of the other communities. The argument is a form of special pleading which has no force. The mission knew the final election of the Muslims, the Indian Christians and the Sikhs was by separate electorates.

The Final election of the Scheduled Castes was not by separate electorates. Consequently, for the sake of uniformity the Mission should have taken the results of the Primary elections for giving representation to the Untouchables in the Constituent Assembly. The Mission was bound to do so because it was admitted by Sir Strafford Cripps in the debate that the system of election of the Untouchables as determined by the Poona Pact was iniquitous. Why did the Mission then adopt it as a basis for its decision ?

IV

What could be done to save the Untouchables from impending peril

13. The Cabinet Mission has by the Constitution of the Constituent Assembly left the Untouchables entirely at the mercy of the Caste Hindus who have an absolute majority in it. The Untouchables want the restoration of separate electorates given to them by the Communal Award by H.M.G. and the abrogation of the Poona Pact which was forced upon them by coercion practised by Mr. Gandhi through his fast unto death. This, the Hindus are bound to oppose. In reply to the criticism that they have been left to the mercy of the Hindu majority the Cabinet Mission has been advertising their proposal for an Advisory Committee on Minorities as a means of safeguarding minority rights. Anyone who examines the powers and Constitution of the Advisory Committee will know that the body is worse than useless.

- (i) In its composition it is only a pale reflection of the Constituent Assembly. The Hindus will dominate it in the same way as they do the Constituent Assembly;
- (ii) The fact that there will be a certain number of Untouchables in the Constituent Assembly as well as in the Advisory Committee elected by the goodwill of the Congress can be of no help to them for the Untouchable members of the Assembly and of the Committee are but the creatures of the Hindus;
- (iii) The decisions on questions relating to the minority protection by the Advisory Committee are left to the bare majority which means that the decision will be taken by the Caste Hindus and imposed upon the minorities.

- (iv) The decision of the Advisory Committee even if they are favourable are no more than recommendations. They are not binding on the Constituent Assembly.

14. The device of an Advisory Committee is thus a hoax if not a humbug and cannot be relied upon to counteract the mischief the Hindu majority may do to the cause of the minorities. The Hindu majority has singled out the Untouchables for their malicious intention and seems to be determined to deprive them of the right to claim the political safeguards which are due to a majority. This is apparent from the letter addressed by the Congress on 25th June 1946 (Item 21 in Cmd. 6861). In that letter the Congress has taken the stand that the Untouchables are not a minority. This is an astounding proposition. For according to Mr. Gandhi's own admission in his weekly called the Harijan of 21st October 1939 the Untouchables were the only real minority in India, The Congress has thus taken a complete somersault. The stand now taken by the Congress is contrary to the underlying principles of the Government of India Act, 1935, which recognizes them a minority. What mischief is contemplated by this somersault it is not possible to know. If the Congress does not regard the Untouchables to be a minority it is possible that the Constituent Assembly might refuse to give them the same safeguards which it might agree to give to the other minorities. The Advisory Committee cannot therefore save the Untouchables from peril.

15. Parliament must, therefore, intervene to see that the position of the Untouchables is not jeopardized. This Parliament must do, not merely because of the pledges it has given but also because of the fact that the discussions of the Constituent Assembly are not subject to ratification.

16. What can Parliament do? The Untouchables would like that the wrong done to them in regard to the Interim Government be redressed. They would like their quota fixed. They would like to be given the right to nominate their representatives to the Executive Council. These rights are not new claims. They are vested rights of the Untouchables which were recognized as late as the Simla Conference of 1945. They realize that this wrong it may be difficult to redress now. But if circumstances change and the

Government is reconstituted they expect Parliament to press H.M.G. to right this wrong.

17. Much can be done now to save the Untouchables from the injury which the Constituent Assembly, dominated by the Caste Hindus who are determined to deprive the Untouchables of their political safeguards may do. To prevent this mischief the following steps could be taken :—

I. Press H.M.G. to make a declaration that they regard the Untouchables as a minority.

This is essential in view of the stand taken by the Congress in its letter of the 25th June 1946 (Item 21 in Cmd. 6861). This is all the more necessary because the Viceroy in his reply to the Congress dated 27th June 1946 (Item 38 in Cmd. 6861) has avoided giving a specific denial to the contention of the Congress that the Untouchables are not a minority. If the Government is not pressed to make a declaration now the Untouchables will suffer in two ways :—

(a) The Constituent Assembly dominated by the Hindus will deny them the rights of the minority.

(b) H.M.G. will be free not to come to their rescue on the ground that they were not committed to regard the Untouchables as a minority.

II. Press for a declaration as to whether H.M.G. will institute machinery, if so of what sort, to examine whether the safeguards for minorities framed by the Constituent Assembly are adequate and real.

(a) In their Supplementary Statement dated 25th May 1946 (Cmd. 6835) the Cabinet Mission say :—

“When the Constituent Assembly has completed its labours, His Majesty’s Government will recommend to Parliament such action as may be necessary for the cessation of sovereignty to the Indian People, subject only of two matters which are mentioned in the statement and which we believe, are not controversial, namely : adequate provision for the protection of the minorities (Paragraph 20 of the statement) and willingness to conclude a treaty with H.M.G. to cover matters arising out of the transfer of power (Paragraph 22 of the statement)”.

The idea behind this paragraph is not quite clear. It is necessary to press H.M.G. to clarify their intention.

(b) If the words 'subject to' mean that H.M.G. reserve to themselves the right to examine the safeguards for the minorities framed by the Constituent Assembly in order to find out whether they are adequate and real it is neccessary to press H.M.G. to state what machinery they propose to institute for such an inquiry. The machinery of a Joint Parliamentary Committee with power to examine witnesses from minorities communities would be most appropriate. There is a precedent for it. A Joint Parliamentary Committee was appointed when the Government of India Act of 1935 was on the anvil. There would be nothing wrong in following the precedent in dealing with the report of the Constituent Assembly.

III. Press H.M.G. to declare if they will insist upon the Constitution framed by the Constituent Assembly containing clause circumscribing the power of the future Indian Legislature to do away with minority safeguard by bare majority.

(a) Neither the first Statement of the Cabinet Mission of May 16,1946 nor the Supplementary Statement of May 25,1946 deal with the question of providing against the Legislature of a Free India altering the Constitution and abrogating the clauses dealing with the protection of minorities. There is no use in Parliament introducing safeguards if these safeguards can be done away with by the Indian Legislature. The only safeguards against such action is to see that the Constitution framed by the Constituent Assembly contains clauses putting limitations on the Constituent powers of the Indian Legislature and prescribing conditions precedent to be fulfilled before alterations in minority safeguards are made. Such provisions exist in the Constitution of U.S.A. and Australia.

(b) Though this is a matter of vital importance to the minorities the Cabinet Mission has given no thought to the subject. It is necessary to press H.M.G. as to what they have to say on this question.

DR.B.R. AMBEDKAR"¹



¹: Khairmode, Vol. 8, Pp. 124-139.