Chapter 21

THE REVOLT OF THE UNTOUCHABLES

The movement of the Untouchables against the injustice of the Hindu Social Order has a long history behind it, especially in Maharashtra. This history falls into two stages. The first stage was marked by petitions and protests. The second stage is marked by open revolt in the form of direct action against the Hindu Established Order. This change of attitude was due to two circumstances. In the first place it was due to the realization that the petitions and protests had failed to move the Hindus. In the second place Governments had declared that all public utilities and public institutions are open to all citizens including the Untouchables. The right to wear any kind of clothes or ornaments are some of the rights which the British Indian Law gives to the Untouchables along with the rest. To these were added the rights to the use of public utilities and institutions, such as wells, schools, buses, trams, Railways, Public offices, etc., were now put beyond the pale of doubt. But owing to the opposition of the Hindus the Untouchables cannot make any use of them. It is to meet the situation, the Untouchables decided to change the methods and to direct action to redress their wrongs. This change took place about 1920.

I

Of such attempts at direct action only few can be mentioned so as to give an idea of the revolt of the Untouchables against the Hindu Social Order. Of the attempts made to vindicate the right to use the public roads, it is enough to mention one, most noteworthy attempt in this behalf was that made by the Untouchables of Travencore State in 1924 to obtain the use of the roads which skirted the temple at Vaikom. These roads were public roads maintained by the State for the use of everybody, but on account of their proximity to the temple building, the Untouchables were not allowed to use certain sections which skirted the temple too closely. Ultimately as a result of Satyagraha, the temple compound was enlarged and the road was realigned so that there the Untouchables even if they used it were no longer within the polluting distance of the temple.

II

Of the attempts made to vindicate the right to take water from the public watering places, it is enough to mention the case of the Chawdar Tank.

This Chawdar Tank is situated in the town of Mahad in the Kolaba District of Bombay Presidency. The tank is a vast expanse of water mainly fed by the rains and a few natural springs. The sides of the tank are embanked. Around the tank there are s nail strips of land on all sides belonging to private individuals. Beyond this strip of land lies the Municipal road which surrounds the tank and beyond the road are houses owned by the Touchables. The tank lies in the heart of the Hindu quarters and is surrounded by Hindu residence.

This tank is an old one and no one knows who built it or when it was built. But in 1869 when a Municipality was established by the Government for the town of Mahad, it was handed over to the Municipality by the Government and has since then been treated as a Municipal i.e., public tank.

Mahad is a business centre. It is also the headquarters of a taluk. The Untouchables either for purposes of doing their shopping and also for the purpose of their duty as village servants had to come to Mahad to deliver to the taluka officer either the correspondence sent by village officials or to pay Government revenue collected by village officials. The Chawdar tank was the only public tank from which an outsider could get water. But the Untouchables were not allowed to take water from this tank. The only source of water for the Untouchables was the well in the Untouchables quarters in the town of Mahad. This well was at some distance from the centre of the town. It was quite choked on account of its neglect by the Municipality.

The Untouchables therefore were suffering a great hardship in the matter of water. This continued till matters got going. In 1923 the Legislative Council of Bombay passed a resolution to the effect that the Untouchable classes be allowed to use all public watering places, wells, Dharmashalas which are built and maintained out of public funds, or are administered by bodies appointed by Government or created by Statutes as well as public schools, courts, offices and dispensaries. Government accepted the resolution and issued the following orders:

> "In pursuance of the foregoing Council Resolution the Government of Bombay are pleased to direct that all heads of offices should give effect to the resolution so far as it related to the public places, institutions belonging to and maintained by

Government. The Collectors should be requested to advise the local bodies in their jurisdiction to consider the desirability of accepting the recommendations made in the Resolution."

In accordance with this order of the Government, the Collector of Kolaba forwarded a copy thereof to the Mahad Municipality for consideration. The Mahad Municipality passed a resolution on 5th January 1924 to the effect that the Municipality had no objection to allow the Untouchables to use the tank. Soon after this resolution was passed there was held at Mahad, a Conference of Untouchables of the Kolaba District over which I presided. The Conference met for two days, the 18th and 20th March 1927. This was the first Conference of the Untouchables held in the Kolaba District. Over 2,500 Untouchables attended the Conference and there was great enthusiasm. On the first day of the Conference, I delivered my presidential address in which I exhorted them to fight for their rights, give up their dirty and vicious habits and rise to full manhood. Thereafter high caste Hindus who were present and, who held out that they were the friends of the Untouchables, addressed the gathering and told the Untouchables to be bold and exercise the right that is given to them by law. With this, the proceedings of the first day were closed. The subject committee met at night to consider the resolution to be moved in open conference the next day. In the Subject Committee, attention was drawn by some people to the fact that there was great difficulty at Mahad for the Untouchables in the matter of obtaining water for drinking purposes, and that this difficulty was felt particularly by the members of the Reception Committee of the Conference which had to spend Rs. 15 an enormous amount to employ caste Hindus to dole out water in sufficient quantity to satisfy the needs of those who had attended the Conference.

Next day on the 20th, the Conference met about 9 in the morning. The resolutions agreed upon in the Subject Committee were moved and passed by the Conference. It took about three hours in all. In the end one of my co-workers in moving a vote of thanks to the President and others who had helped to make the Conference a success referred to the question of the difficulty in the matter of getting water and exhorted the Untouchables present to go to the tank and exercise their right to take water from Chawdar tank, especially as the Municipality had by resolution declared it open to the Untouchables and that their Hindu friends were ready to help them. The Hindus who had exhorted them to be bold and begin fearlessly to exercise their rights, instantly realised that this was a bombshell and immediately ran away. But the effect upon the Untouchables was very different. They were electrified

by this call to arms. To a man they rose and the body of 2,500 Untouchables led by me and my co-workers marched in a procession through the main streets. The news spread like wild fire while crowds thronged the streets to witness it.

The Hindu inhabitants of the town saw the scene. They were taken by storm. They stood aghast witnessing this scene which they had never seen before. For the moment they seemed to be stunned and paralized. The procession in form of fours marched past and went to the Chawdar tank, and the Untouchables for the first time drank the water. Soon the Hindus, realizing what had happened, went into frenzy and committed all sorts of atrocities upon the Untouchables who had dared to pollute the water. These atrocities will be narrated in their proper places.

The assault committed by the Hindus on the Untouchables at Mahad when they entered the Chawdar tank was undoubtedly a challenge to the Untouchables. The Untouchables on the other hand were determined not to be satisfied with merely exercising their right but to see it established. They naturally felt that they must take up the challenge thrown at them by the Hindus. Accordingly a second Conference of the Untouchables was called. The Untouchables were told that they must come fully prepared for all eventualities for Satyagraha (i.e., for civil disobedience and even for going to gaol).

The Hindus, when they came to know of this, applied to the District Magistrate of Kolaba for issuing an order under Section 144 of the Criminal Procedure Code against the Untouchables, prohibiting them from entering the Chawdar Tank and polluting its water. The District Magistrate refused and said that the tank was a public tank open to all citizens and he could not by law prevent the Untouchables from taking water therefrom. He advised them to go to a Court of law and get their right of exclusive user established. The dates fixed for the Conference were 25th, 26th, 27th of December 1927. As these dates drew near, and as they heard that the Untouchables were quite in earnest, and knowing that the District Magistrate had refused to come to their rescue, they did the only thing that was open to them, namely, to get their right to exclude the Untouchables from a public tank established by law. Accordingly, nine Hindus drawn from different castes joined as Plaintiffs in filing on 12th December 1927 a suit No. 405 of 1927 as representatives of the Hindus, in the Court of Sub-Judge of Mahad. I and four others were made defendants as representing the Untouchables. The suit was 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 those acts.' On the same day on which the suit was filed, the plaintiffs applied to the Court for a temporary injunction against the defendants restraining them from going to the tank and taking water therefrom pending the decision of the suit. The judge holding that it was a fit case, granted a temporary injunction against me and the other defendants on the 14th December 1927.

The temporary injunction issued by the Judge was sent to Bombay and was served upon me two or three days before the Conferences actually met. There was no time to have consultation and no time to postpone the Conference either. I decided to leave the matter to the Conference to decide.

The Conference was called with the specific object of establishing the right to take water from the tank which was challenged by the Hindus last time. The District Magistrate had left the way open. But here was a Judge who had issued an order banning such action. Naturally, when the Conference met, the first question it was called on to consider was whether to disobey the order of injunction issued by the Court and enter the tank. The District Magistrate who had been favourable to the Untouchables now took a different view. He explained his view very clearly to the Conference which he came and addressed personally. He said that if the Civil Court had not issued an injunction, he would have helped the Untouchables in their attempt to enter the tank as against the caste Hindus, but that as the Sub-Judge had issued his order, his position had become different. He could not allow the Untouchables to go to the tank because such an act would amount indirectly to help them to break the order of His Majesty's Court with impunity. He therefore felt bound to issue an order prohibiting the Untouchables, should they insist on going to the tank notwithstanding the injunction—not because he wanted to favour the Hindus but because he was bound to maintain the dignity of the Civil Court by seeing to it that its order was respected.

The Conference took what the Collector had said into its consideration and also the reaction of the Hindus to the attempt of the Untouchables going to the tank in defiance of the order of the Court which they had obtained. In the end, the Conference came to the conclusion that it was better and safer for them to follow law and see how far it helped them to secure their rights. It was therefore decided to suspend civil disobedience of the order of the Judge till the final decision of the suit.

The occasion for civil disobedience never came because the Untouchables won the suit and the Hindus lost it. One of the principal reasons which led the Untouchables to follow law and suspend civil disobedience was that they wanted to have a judicial pronouncement on the issue whether the custom of untouchability can be recognized by the Court of law as valid. The rule of law is that a custom to be valid must be immemorial, must be certain and must not be opposed to morality or public policy. The Untouchables' view is that it is a custom which is opposed to morality and public policy. But it is no use unless it is declared to be so by a judicial tribunal. Such a decision declaring the invalidity of the custom of untouchability would be of great value to the Untouchables in their fight for civil rights because it would seem illegal to import untouchability in civic matters. The victory of the Untouchables in the Chawdar tank dispute was very great. But it was disappointing in one way that the Bombay High Court did not decide the issue whether the custom of untouchability was valid or not. They decided the case against the Hindus on the ground that they failed to prove that the custom alleged by them in respect of the tank was not immemorial. They held that the custom itself was not proved. The tank became open to the Untouchables. But the Untouchables cannot be said to have gained their point. The main issue was whether the custom of untouchability was a legal custom. Unfortunately the High Court avoided to give judgment on that issue. The Untouchables had to continue their struggle.

IV

The next item in this history of direct action which is worthy of mention relates to the entry in the famous Hindu Temple at Nasik known as the Kala Ram Temple. These are instances of direct action aimed to achieve specific objects. The movement includes two cases of direct action aimed at the demolition of the Hindu Social Order by applying dynamite to its very foundations. One is the burning of the Manu Smriti and the second is the mass refusal by the Untouchables to lift the dead catties belonging to the Hindus and to skin them.

The Burning of Manu Smriti took place at Mahad on the 20th of December 1927. The function was a part of the campaign for establishing the right to take water from the Chawdar tank. The Burning of the Manu Smriti took place publicly and openly in a Conference of Untouchables. Before burning the Manu Smriti, the Conference passed certain resolutions. As these resolutions form a land

mark in the history of the movement of the Untouchables they are given below:

"Resolution 1.—*Declaration of the rights of a Hindu.*

This conference is firmly of opinion that the present deplorable condition of the Hindu Community is only an illustration of how a community becomes fallen by reason of its tolerating social injustice, following erroneous religious beliefs and supporting economic wrongs. The fall of the Hindu community is due entirely to the fact that the masses have not cared to know what are the birth-rights of a human being and much less have they cared to see that they are recognised and not set at naught the base acts and deeds of selfish people. To know what are these birth-rights of man and to endeavour to see that they are not trampled upon in the struggle between man and man and class and class, are the sacred duties of every person. In order that every Hindu may not know what are in the opinion of the Conference the inalienable birthrights of man, this Conference resolves to issue the following proclamation containing a list thereof—

(*i*) All Hindus have the same social status from birth. This equality of social status is an attribute which they retain till death. There may be distinctions and differences between them in point of their functions in society. But that must not cause differences in their social status. This Conference is therefore opposed to any action—whether in the political, economic or social field of life—which would result in producing a difference in social status.

(*ii*) The ultimate aim of all political, economic or social changes should be to maintain intact the equal status of all Hindus. That being the view of the Conference, the Conference strongly disapproves of all literature of the Hindus, whether ancient or modern, which supports in any way the pernicious doctrine of inequality underlying the Hindu social system.

(*iii*) All power is derived from the people. The privileges claimed by any class or individual have no validity if they are not granted by the people. This Conference therefore repudiates the social and religious privileges enjoyed by some classes of Hindus in as much as they are founded upon the Vedas, Smritis and Puranas and not upon the free consent of the people.

(*iv*) Every person is entitled as his birth-right to liberty of action and speech. This liberty could be limited only for the purpose of saving the right of another person to his liberty and for no other purposes. Further this limitation can be imposed only with the sanction of the people and not by any injunction of

the Hindu Shastras. This Conference therefore repudiates all restraints on religious, social and economic freedom imposed upon the thought and action of the Hindus in as much as they are imposed by the Shastras and not by the people.

(*v*) Hindus can be deprived of their rights other than their birth-rights only by law. What is not prohibited by law, a Hindu must be free to do and what is not obligatory by law, a Hindu must not be forced to do. For this reason there must be no obstruction to persons using public roads, public wells and tanks, public temples and all other public utilities. Persons, causing obstruction in matters where law has laid down no prohibition, are in the opinion of this Conference enemies of the public.

(*vi*) Law is not a command of an individual or a body of individuals. Law is the peoples prescription for change. That being so, law to be respected, must be made with the consent of all and must have equal application to all without any distinction. Social divisions if they are necessary for the ends of society can only be made on the basis of worth and not of birth. This Conference repudiates the Hindu caste-system firstly as being detrimental to society, secondly as being based on birth and thirdly as being without any sanction from the people."

The Second Resolution passed by the Conference was worked as follows:

> *"Resolution No. 2.*—Taking into consideration the fact that the laws which are proclaimed in the name of Manu, the Hindu lawgiver, and which are contained in the Manu Smriti and which are recognised as the Code for the Hindus are insulting to persons of low caste, are calculated to deprive them of the rights of a human being and crush their personality. Comparing them in the light of the rights of men recognised all over the civilized world, this conference is of opinion that this Manu Smriti is not entitled to any respect and is undeserving of being called a sacred book to show its deep and profound contempt for it, the Conference resolves to burn a copy thereof, at the end of the proceedings, as a protest against the system of social inequality it embodies in the guise of religion."

A cursory reading of these resolutions will show the line which the Conference adopted. Although the Conference met to redress a particular wrong, it showed that it was not going to be satisfied with the redress of petty wrongs. The Conference felt that the time had arrived for laying down the goal of the Untouchables. The goal laid down by it was far-reaching. The Conference proclaimed that the Untouchables wanted a complete overhauling of the Hindu social

system. It proclaimed that this reconstruction must not be on the old foundation of Shastras. It proclaimed that whatever character of the new foundations, they must be consonant with justice and equity between Hindu and Hindu and to leave no doubt that in the matter of this reconstruction, they would not consent to the Hindu shastras being drawn upon. The Conference not only repudiated them but actually went to the length of burning them to ashes.

It was an echo of Voltare's denunciation of the Catholic Church of his time. For the first time a cry was raised against the Hindu Social Order "*Ecraze la Infame"*. It is also clear that these resolutions were absolutely revolutionary in character.

The rock on which the Hindu Social Order has been built is the Manu Smriti. It is a part of the Hindu Scriptures and is therefore sacred to all Hindus. Being sacred it is infallible. Every Hindu believes in its sanctity and obeys its injunctions. Manu not only upholds caste and untouchability but gives them a legal sanction. The burning of the Manu Smriti was a deed of great daring. It was an attack on the very citadel of Hinduism. The Manu Smriti embodied the spirit of inequality which is at the base of Hindu life and thought just as the Bastille was the embodiment of the spirit of the Ancient regime in France. The burning of the Manu Smriti by the Untouchables at Mahad in 1927 is an event which has the same significance and importance in the history of the emancipation of the Untouchables which the Fall of Bastille had in the liberation of the masses in France and Europe.

The second instance of direct action against the frame of the Hindu Social Order itself is the refusal to skin the dead animals belonging to the Hindus and carrying them.

One often hears the Untouchables being condemned for having brought upon themselves the curse of untouchability. The main ground on which this accusation rests is the adoption by the Untouchables as their occupation, the carrying of the dead animals of the Hindus and skinning them and eating the carrion.

Even so great a friend of the downtrodden as the Abe. Dubois writing about the *Pariahs* of the Madras Presidency said:

> "What chiefly disgusts other natives is the revolting nature of the food which the Pariahs eat. Attracted by the smell, they will collect in crowds round any carrion and contend for the spoil with the dogs, jackals, crows and other carnivorous animals. They then divide the semi-putrid flesh and carry it away to their huts, where they devour it, often without rice or anything else to disguise the flavour. That the animal should have died of disease is of no

> consequence to them, and they sometimes secretly poison cows or buffaloes so that they may subsequently feast on the foul, putrifying remains. The carcasses of animal's that die in a village belong by right to the *thoti* or scavenger, who sells the flesh at a very low price to the other Pariahs in the neighbourhood. When it is impossible to consume in one day the stock of meat thus obtained, they dry the remainder in the sun, and keep it in their huts until they run short of their food. There are few Pariah houses where one does not see festoons of these horrible fragments hanging up; and though the Pariahs themselves do not seem to be affected by the smell, travellers passing near their village quickly perceive it and can tell at once the caste of the people living there....
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> Is it to be wondered at, after what has been just stated that other castes should hold this in abhorrence? Can they be blamed for refusing to hold any communication with such savages, or for obliging them to keep themselves aloof and to live in the separate hamlets? . . . . . ."

It is true that this occupation has created a feeling of repugnance against the Untouchables in the mind of the Hindus. But the Abe or those who adopt his reasoning forget to raise two very important questions. First is why do the Untouchables eat carrion? Will the Hindus allow the Untouchables the freedom to give up skinning and carrying their dead animals? The answer to the question why the Untouchables eat carrion has already been given in a previous chapters.

No one would prefer carrion to flesh meat if it is available. If the Untouchables have been living on carrion it is not because they like it. They eat carrion, because there is nothing else on which they can live. This will be clear to anyone who realizes that on account of untouchability they have no way left to earn a living. All professions have been closed to them. There is no land on the produce of which they can live. There is no trade which they can engage in. Their main stay is therefore the food they collect from the villagers and the carrion which is left to them. Without carrion they would literally die of starvation. It is therefore clear that the fault does not lie with the Untouchables. If the Untouchables eat carrion it is because the Hindus have left no honourable way of earning a living open to them.

To the second question the answer is equally clear. If the Untouchables skin and carry the dead animals of the Hindus, it is because the Untouchables have no choice. They are forced to do it. They would be penalized if they refused to do it. The penalty is legal. In some provinces the refusal to do this dirty work is a breach of contract. In other provinces it is a criminal offence involving fines. In

Provinces like Bombay the Untouchables are village servants. In their capacity as village servants they have to serve the Government as well as the Hindu public. In return for this service they are given lands which they cultivate and on the produce of which they maintain themselves. One of the duties of the Untouchables is to skin and carry the dead animals of the Hindus in the villages. If the Untouchables refuse to perform these duties to the Hindu public, the land which they live on is liable to be confiscated. They have to choose between doing the dirty work or facing starvation.

In Provinces like the United Provinces, refusal to do scavenging by sweeper is made an offence. The United Provinces Municipalities Act II of 1916 contains the following provisions:

> *Section 201*(1).—"Should a sweeper who has a customary right to do the house-scavenging of a house of building (hereinafter called the customary sweeper) fail to perform such scavenging in a proper way, the occupier of the house or building or the board may complain to a Magistrate."
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> (2) "The Magistrate receiving such complaint shall hold an inquiry and should it appear to him that the customary sweeper has failed to perform the house-scavenging of the house or building in a proper way or at a reasonable intervals, he may impose upon such a sweeper a fine which may extend to ten rupees, and upon a second or any later conviction in regard to the same house or building, may also direct, the right of the customary sweeper to do the house scavenging the house or building to be forfeited and thereupon such right shall be forfeited."

Exactly similar provision is to be found in Section 165 of the Punjab Municipalities Act of 1911. The Punjab Act is an advance over the U. P. Act, in as much as it provides for punishment of a sweeeper who is not customary sweeper but a contract-sweeper. The Punjab Act adds:

> "(3) Should any sweeper (other than a customary sweeper), who is under a contract to do house-scavenging of a house or a building, discontinue to do such house-scavenging without fourteen days' notice to his employer or without reasonable cause, he shall on conviction be punishable with a fine which may extend to Rs. ten."
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> "227. Every order of forfeiture under Section 165 shall be subject to an appeal to the next superior court, but shall not be otherwise open to appeal."

People may be shocked to read that there exists legal provision which sanctions forced labour. Beyond doubt, this is slavery. The difference between slavery and free labour lies in this. Under slavery

a breach of contract of service is an offence which is punishable with fine or imprisonment. Under free labour a breach of contract of service is only a civil wrong for which the labourer is liable only for damages. Judged in the light of this criterion, scavenging is a legal obligation imposed upon the Untouchables which they cannot escape.

Given these conditions, how can the Untouchables be accused of doing these dirty work voluntarily?

The question whether the Untouchables can be accused of having invited the curse of untouchability upon themselves for doing the dirty work of the Hindus is really beside the point. What is important to note is that the Conference of the Untouchables which met in Mahad resolved that no Untouchable shall skin the dead animals of the Hindus, shall carry it or eat the carrion. The object of these resolutions was two-fold. The one abject was to foster among the Untouchables self-respect and self-esteem. This was a minor object. The major object was to strike a blow at the Hindu Social Order. The Hindu Social Order is based upon a division of labour which reserves for the Hindus clean and respectable jobs and assigns to the Untouchables dirty and mean jobs and thereby clothes the Hindus with dignity and heaps ignominy upon the Untouchables. The resolution was a revolt against this part of the Hindu Social Order. It aimed at making the Hindus do their dirty jobs themselves.

This is a brief summery of the history of the revolt of the Untouchables against the established order of the Hindu. It originated in Bombay. But it has spread to all parts of India.

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