

CHAPTER 22

HELD AT BAY

I. Hindu reaction to the revolt of the untouchables. II. Lawless means for ruthless repression. III. Untouchables, a weak force. IV. Officers who are shameless partisans. V. A weapon which is made blunt.

I

The story of the revolt of the Untouchables tells how the old is ringing out and the new is ringing in. What is the reaction of the Hindus to this revolt? No one who knows anything about it can have any hesitation in answering this question. For it is clear that his attitude is one of opposition. It might be difficult to understand why the Hindus should oppose. But there can be no manner of doubt that he is opposed.

The reasons why the Hindus are opposed to this fight for rights of the untouchables for their rights will not be difficult to understand if certain important features of the relationship that is now subsisting between the Caste Hindus and the Untouchables are borne in mind.

The first and foremost consideration that must never be forgotten is the sharp division between the Touchables and the Untouchables. Every village has two parts, the quarters of the Touchables and quarters of the Untouchables. Geographically the two are separate. There is always an appreciable distance between the two. At any rate there is no contiguity or proximity between them. The Untouchables have a distinct name for their quarters such as Maharwada, Mangwada, Chamrotti, Khaykana, etc. *De Jure* for the purposes of revenue administration or postal communication the quarters of the Untouchables are included in the village. But *de facto* it is separate from the village. When the Hindu resident of a village speaks of the village he means to include in it only the Caste Hindu residents and the locality occupied by them. Similarly when the Untouchable speaks of the village he means to exclude from it the Untouchables and

the quarters they occupy. Thus, in every village the Touchables and Untouchables form two separate groups. There is nothing common between them. They do not constitute a folk. This is the first thing which must be noted.

The second thing to note with regard to this division of the village into two groups is that these groups are real corporations which, no one included within them, can escape. As has been well said the American or European belongs to groups of various kinds, but he "joins" most of them. He of course is born into a family, but he does not stay in it all his life unless he pleases. He may choose his own occupation, residence, wife, political party, and is responsible, generally speaking, for no one's acts but his own. He is an "individual" in a much fuller sense because all his relationships are settled by himself for himself. The Touchables or Untouchables are in no sense individuals because all or nearly all of their relationships are fixed when they are born in a certain group. Their occupation, their dwelling, their gods and their politics are all determined for them by the group to which they belong. When the Touchables and Untouchables meet, they meet not as man to man, individual to individual, but as members of groups or as nationals of two different states.

This fact has an important effect upon the mutual relationship between the Touchables and Untouchables in a village. The relationship resembles the relationship between different clans in primitive society. In primitive society the member of the clan has a claim, but the stranger has no standing. He may be treated kindly, as a guest, but he cannot demand "justice" at the hands of any clan but his own. The dealing of clan with clan is a matter of war or negotiations, not of law; and the clanless man is an outlaw, in fact as well as in name, and lawlessness against the stranger is therefore lawful. The Untouchable, not being a member of the group of Touchables, is a stranger. He is not a kindred. He is an outlaw. He cannot claim justice nor any rights which the Touchable is bound to respect.

The third thing to note is that the relationship between the two, the Touchables and the Untouchables, has been fixed. It has become a matter of status. This status has unmistakably given the Untouchables a position of inferiority *vis-a-vis* the Touchables. This inferiority is embodied in a code of social conduct to which the Untouchables must conform. What kind of code it is, has already been stated. The Untouchable is not willing to conform to that code. He is not prepared to render unto Caesar what is claimed by Caesar. The Untouchable wants to have his relationship with the Touchables by contract. The

Touchable wants the Untouchables to live in accordance with the rules of status and not rise above it. Thus, the two halves of the village, the Touchables and the Untouchables, are now struggling for resettling what the Touchable thinks is settled for ever. The conflict is centered round one question—What is to be the basis of this relationship? Shall it be contract or shall it be status?

That is the question which is agitating the Hindus. The Hindu does not look at the revolt of the Untouchables as an attempt on the part of the latter for social and economic improvement of their people. He looks at it as an attempt directed against him, an attempt to equalize. That is why he is opposed.

II

The opposition of the Hindus is a determined opposition bent on stamping out the revolt at any cost. In this, they are prepared to use any means and to go to any length. This revolt of the Untouchables has been met with equally determined attack on the part of the Hindus. How cruel the Hindus can be in suppressing this revolt of the Untouchables will appear from one or two cases.

On the occasion of the entry of the Untouchables in the Chawdar Tank at Mahad, in the exercise of their right to take water from a public place, the assault made upon the Untouchables who had attended the Conference and taken part in the march upon the Tank has been described in the Bombay Chronicle in the following terms:

“The procession was a most peaceful one and everything passed off quietly. But after about two hours some evil minded leaders of the town raised a false rumour that the depressed classes were planning to enter the temple of Vireshwar, whereupon a large crowd of riffraff had collected all armed with bamboo sticks. The crowd soon became aggressive and the whole town at once became a surging mass of rowdies, who seemed to be out for the blood of the depressed classes.

The depressed classes were busy in taking their meal before dispersing to their village. When a large part of them had left the town, the rowdies entered the kitchen where the depressed classes were taking their food. There would have been a regular battle between the two forces, but the depressed classes were held back by their leaders, and thus a far more serious riot was averted. The rowdies, finding no occasion for provocation, began patrolling the main street and assaulting the members of the depressed classes who, in stray batches, were passing along on their way to their

villages, and committed trespass in the houses of several depressed class people and gravely assaulted them. In all, the number of wounded among the depressed classes is supposed to be as large as 20. In this, the attitude of the Depressed classes was as commendable as the attitude of many of the upper classes was unworthy. The depressed classes assembled vastly outnumbered the upper classes. But as the object of their leaders was to do everything in a non-violent and absolutely constitutional manner, they set their faces against any aggression on the part of the depressed classes. It speaks a great deal in favour of the depressed classes, that, although the provocation given to them was immense, they kept their self control. The Mahad Conference has shown that the upper classes are not willing to allow the depressed classes to enjoy such elementary civic rights as taking water from public water sources.

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

The assault committed on the Untouchables as a result of the Kalaram Temple Satyagraha was no less severe.

The third instance is more recent and occurred in the year 1935 in the village of Kavitha in Dholka Taluka of the Ahmedabad District of the Bombay Presidency.

The Bombay Government having issued orders requiring the admission of the children of the Untouchables in public schools, it is reported that¹:

"On August 8th, 1935, the Untouchables of the village Kavitha took four of their children to be admitted in the village school. Many caste Hindus from the village had gathered near the school to

¹ This account of the incident is a translation of the Statement sent to me by the Secretary of the Nava Yuga Mandal of Dholka.

witness this. This occasion for admission passed off quietly and nothing untoward happened."

The next day however the caste Hindus of the village withdrew their children from the school, as they did not like their children sitting with those of the Untouchables and getting themselves polluted.

Some time thereafter, an Untouchable from the village was assaulted by a Brahmin. On August 12th, the male members of the Untouchables of the village had come to Dholka to file a criminal complaint against the Brahmin in the Court of the Magistrate. Coming to know that the adult members of the Untouchables were absent, the Hindus of the village invaded the quarters of the Untouchables. They were armed with sticks, spears and swords. Among the invaders were caste Hindu women. They started attacking the old men and women of the Untouchables. Some of these victims fled to the jungles, some shut themselves up. These invaders directed their vehemance against those Untouchables who were suspected of having taken a lead in the matter of the admission of their children in the village school. They broke open their doors and not finding them in, they broke the tiles and rafters of the roofs over their houses.

Terror-stricken, these Untouchable men and women who are assaulted and beaten were anxious about the safety of those of their elders who had gone to Dholka and who were expected back that night. The caste Hindus knowing that the leaders of the Untouchables who had gone to Dholka would be returning sometime in the night, went out of the village fully armed to assault them and had concealed themselves behind the bushes and shrubs on the way to the village. Having come to know of this, an old Untouchable woman crept out of the village in the dark, met the leaders who were returning and informed them that armed gangs of caste Hindus were hiding themselves to waylay them and that therefore they should not come into the village. They refused to listen, fearing that the caste Hindus might do greater mischief in their absence. At the same time they were afraid that if they did enter they might be assaulted. They therefore decided to wait outside the village in the fields till after midnight. In the meantime, the gang of caste Hindus who were in ambush waited and waited and finally gave up the game and retired. The leaders of the Untouchables entered the village after about 3 a.m. in the night. If they had come earlier and met the murderous gang they would probably have been done to death. On seeing the harm done to person and property, they left the village for Ahmedabad before day break and informed the Secretary of the Harijan Seva Sangh, a body organized by Gandhi to look after the welfare of the Untouchables. But the

Secretary was helpless. Not only did the caste Hindus use physical violence, but they conspired to make the life of the Untouchables intolerable. They refused to engage them as labourers; they refused to sell them foodstuff. They refused to give them facilities for grazing their cattle and they committed stray assaults on Untouchable men and women. Not only this, but the caste Hindus in their frenzy poured kerosene oil in the well from which the Untouchables had to get their supply of drinking water. This they did for days together. The result was that the Untouchables of the village had no water. When things reached this stage, the Untouchables thought of filing a criminal complaint before a Magistrate which they did on 17th October, making some of the caste Hindus as the accused.

The strange part of the case is the part played by Gandhi and his Lieutenant, Sardar Vallabhbhai Patel. With all the knowledge of tyranny and oppression practised by the caste Hindus of Kavitha against the Untouchables, all that Mr. Gandhi felt like doing, was to advise the Untouchables to leave the village. He did not even suggest that the miscreants should be hauled up before a Court of Law. His henchman, Mr. Vallabhbhai Patel, played a part which was still more strange. He had gone to Kavitha to persuade the caste Hindus not to molest the Untouchables. But they did not even give him a hearing. Yet this very man was opposed to the Untouchables hauling them up in a court of law and getting them punished. The Untouchables filed the complaint notwithstanding his opposition. But he ultimately forced them to withdraw the complaint against the caste Hindus making some kind of a show of an undertaking not to molest, an undertaking which the Untouchables can never enforce. The result was that the Untouchables suffered and their tyrants escaped with the aid of Mr. Gandhi's friend, Mr. Vallabhbhai Patel.

This systematic suppression of the Untouchables is resorted to by the caste Hindus even in small matters such as the wearing of better clothes or the wearing of jewellery. Two such instances may be cited.

III

To whom the victory will go in the end is an interesting speculation, and those who are leading the movement of the Untouchables, are carefully watching the situation. Whatever the ultimate result, one thing is plain, that in this struggle, the odds are heavily against the Untouchables.

In this conflict with the Hindus, the Untouchables are always at bay. As against caste lawlessness, the Untouchables are always helpless. The

question is, why are the Untouchables always beaten, why are they always at bay? The question is an important question and needs to be answered.

The reasons why the Untouchables are at bay in this struggle with the caste Hindus are quite obvious. The first reason is that the two groups are unequally matched so far as numbers are concerned. In no village do the Untouchables constitute a considerable body of people as compared with the Caste Hindus. Most often they are composed of a few families and their number is very small, too small to give them any power to repel an attack of the caste Hindus. Although the Untouchables number 50 millions, which appears in lump to be a formidable figure, in fact they are scattered all over the villages in India so that in each village they form a small minority pitted against a great majority of the caste Hindus. Strategically speaking the forces are so badly distributed that they cannot but be overwhelmed by the caste Hindus.

The Mahomedans in the village of some provinces are in the same position as the Untouchables so far as numbers are concerned. They are also scattered throughout the villages and in some villages the population of the Mahomedans is much smaller than the population of the Untouchables. Yet the Mahomedans are not subjected by the Hindus to the disabilities and the indignities to which the Untouchables are subjected. This is rather strange, because there is as deep an antagonism between the Hindus and the Muslims as there is between the Hindus and the Untouchables. This difference in treatment is due to an advantage which the Muslims have but which the Untouchables do not have.

It was a rule in all ancient societies that a stranger was sacred. His person must be guarded from insult and injury. The Romans had their *dii hospitales* and the duties towards a stranger were even more stringent than those towards a relative. "He who has a spark of caution in him," says Plato "will do his best to pass this life without sinning against the stranger." It is strange that so much sanctity should have been attached to the person of a stranger. There is no doubt that this sanctity of the stranger's person was not due to pure kindness. The whole conduct of group life is opposed to a general spirit of consideration for those who are outside the group. The real reason why the stranger was treated as sacred and his person inviolate was because he belonged to a hostile group, and any injury to him was sure to lead to bloodshed. It was the fear of a blood feud which was the cause of this attitude towards the stranger.

The same thing applies to the Mahomedan in a village. In the eyes of the Hindus he is a stranger. But the Hindus dare not molest him because they know that any injury to him will be avenged by Muslims in a blood feud with the Hindus. The communal riots between the Hindus and Mahomedans are really blood feuds and they are caused by some injury done to a Mahomedan or to some Mahomedan interests. It is this fear of a blood feud which makes the life of a Muslim in a Hindu village safe.

There is nobody to avenge an injury done to an Untouchable. There is no fear of a blood feud. The Hindus therefore can commit any wrong against the Untouchables with impunity. This is because the Mahomedans are a solid mass, held together with a deep consciousness of kind, ready to act as one man to vindicate any wrong to the community or to a member thereof. The Untouchables, on the other hand, are a disunited body, they are infested with the caste system in which they believe as much as does the caste Hindu. This caste system among the Untouchables has given rise to mutual rivalry and jealousy and it has made common action impossible. The Mahomedans have also a caste system among themselves. Like the Untouchables they are also scattered all over the country. But their religion is a strong unifying force which gives them the feeling that, if they are parts, they are parts of one Muslim Community. There is nothing to instil such a feeling among the Untouchables. In the absence of any unifying force, the Untouchables are just fragments with no cement to bind them and their numbers are therefore of no advantage to them.

A large majority of the Untouchables in the villages are either village servants or landless labourers. As village servants, they depend upon the Hindus for their maintenance, and go from door to door every day and collect bread or cooked food from the Hindus in return for certain customary services rendered by them to the Hindus. This is a part of their remuneration. A part also of their remuneration consists in quantities of grain given to them by the Hindus at the harvest time. Whenever there is a disagreement between the Hindus and the Untouchables, the first thing the Hindus do is to stop giving bread, stop the payment of the harvest share and stop employing the Untouchables on any job. The result is that the struggling hoards of the Untouchables are face to face with starvation.

The Untouchables have no way of earning a living open to them in a village. He cannot do any business such as selling milk or vegetables. Because he is an Untouchable no one will buy these things from him. He cannot take to any trade because, all trades being hereditary, no one will accept his service. His economic dependence upon the Hindu

is complete and the Hindu takes a complete advantage of it whenever the Untouchables prove arrogant, or naughty in the eyes of the Touchables.

Not only is the Untouchable dependent upon the Touchable for earning his livelihood but the Untouchable is also dependent upon the Touchables for the purchase of his necessities of life. In a village all shops belong to the Touchables. Trade is, and must necessarily be, in the hands of the Touchables. An Untouchable has to depend upon the Touchable shopkeepers for their shopping. If the Touchable shopkeeper is willing to sell, the Untouchables can obtain the necessities of life. If the shopkeeper refuses to sell, the Untouchable must starve although they might have money to live on. Now whenever any dispute arises between the Touchables and the Untouchables the one thing the Touchables never fail to do is to command the shopkeepers not to sell anything to the Untouchables. The Touchables constitute an organized conspiracy to bring about a cessation of all economic relationship with Untouchables. A war is proclaimed against the Untouchables. The means used for reducing the "enemy" is to send a "punitive expedition" consisting of rascals into the Untouchable quarters who ruthlessly carry on arson of destruction of property and shamelessly commit acts of violence against all including women and children.

The more common and the more effective weapons is the declaration of complete boycott against the offending Untouchables. The horrors of the boycott, which is merely another name for Gandhi's "non-cooperation", can hardly be adequately described. The Committee appointed by the Government of Bombay to inquire into the grievances of the Backward Classes speaks of the social boycott in the following terms:

"Although we have recommended various remedies to secure to the Untouchables 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 Untouchables are 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 Untouchables 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 Untouchables are found today. The Untouchables have no

economic independence in most parts of the Presidency. Some cultivate 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. The boycott is often planned on such an extensive scale as to include the prevention of the Untouchables from using the commonly used paths and the stoppage of the sale of the necessities of life by the village bania or shopkeeper. According to the evidence small causes suffice for the proclamation of a social boycott against the Untouchables. Frequently it follows on the exercise by the Untouchables of their right to the use of the common well, but cases have been by no means rare where stringent boycott has been proclaimed simply because an Untouchable man has put on a sacred thread, has bought a piece of land, has put on good clothes or ornaments, or has led a marriage procession with the bride-groom 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 Untouchables. The method of open violence pales away before it, for it has the most far reaching and deadening effects. It is the more dangerous because it passes as a lawful method consistent with the theory of freedom of contract. We agree that this tyranny of the majority must be put down with a firm hand if we are to guarantee to the Untouchables the freedom of speech and action necessary for their uplift."

IV

The third circumstance which adds to the helplessness of the Untouchables is the impossibility for the Untouchables to obtain any protection from the police or justice from the courts. The police are drawn from the ranks of the caste Hindus. The Magistracy is drawn from the ranks of the Caste Hindus. The police and the magistracy are the kith and kin of the caste Hindus. They share the sentiments and the prejudices of the caste Hindus against the Untouchables. If an Untouchable goes to a police officer with a complaint against the caste

Hindus instead of receiving any protection he will receive plenty of abuse. Either he will be driven away without his complaint being recorded or, if it is recorded, it would be recorded quite falsely to provide a way of escape to the Touchable aggressors. If he prosecutes his offenders before a Magistrate the fate of his proceedings could be foretold. He will never get Touchable witnesses because of the conspiracy of the villagers. If he brings witnesses from the Untouchables the Magistrate will not accept their testimony because they are interested and not independent witnesses or, if they are independent witnesses, the Magistrate has an easy way of acquitting the accused by simply saying that the complainant Untouchable did not strike him as a truthful witness. He can do this fearlessly because he knows full well that the higher tribunal will not reverse his finding because of the well-established rule which says that an appellate court should not disturb the finding of a Magistrate based upon the testimony of witness whose demeanour he had observed. This fact has now been admitted even by Congress workers among the Untouchables.

The Annual Report of the Tamil Nad Harijan Sevak Sangh for the year ending September 30, 1937, says: "The political consciousness of the Harijan having been roused by the rights, in the remotest villages where it is only the policeman that reigns, it is not always possible for the Harijan to do this, for the assertion of his rights means a clash between him and the castemen, in which it is always the latter that have the upper hand. The natural consequence of this scuffle is a complaint either to the police or the magistrate. The latter course is beyond the means of a Harijan, while the former resort is worse than useless. The complaints are in many cases not inquired into at all, while in others a verdict favourable to the castemen is entered. Our complaints to the police also meet with similar fate. The trouble seems to us to be this: there is no change in the mentality of the lower policemen. Either he is unaware of the rights of the Harijans of which he is supposed to be the guardian, or he is influenced by castemen. Or it may also be that he is absolutely indifferent. In other cases corruption is responsible for this taking the side of the richer castemen". (Hindu, March 7, 1938).

This means that the official is anti-Untouchable and pro-Hindu. Whenever he has any authority or discretion it is always exercised to the prejudice of the Untouchable.

The police and the magistrate are sometimes corrupt. If they were only corrupt, things would not perhaps be so bad because an officer who is corrupt is open to purchase by either party. But the additional

misfortune is that the police and magistrates are often more partial than corrupt. It is this partiality to the Hindus and his antipathy to the Untouchables which results in the denial of protection and justice to the Untouchables. There is no cure to this partiality to the one and antipathy to the other. It is founded in the social and religious repugnance which is inborn in every Hindu. The police and the Magistrate by reason of their motives, interest and their breeding do not sympathize with the living forces operating among the Untouchables. They are not charged with the wants, the pains, the cravings and the desires which actuate the Untouchables. Consequently they are openly hostile and inimical to their aspirations, do not help them to advance, disfavour their cause and snap at everything that smacks of pride and self respect. On the other hand they share the feelings of the Hindus, sympathize with them in the attempt to maintain their power, authority, prestige and their dignity over the Untouchables. In any conflict between the two they act as the agents of the Hindus in suppressing this revolt of the Untouchables and participate quite openly and without shame in the nefarious attempt of all Hindus to do everything possible by all means, fair or foul, to "teach the Untouchables a lesson", and hold them down in their own place.

The worst of it is that all this injustice and persecution can be perpetrated within the limits of the law. A Hindu may well say that he will not employ an Untouchable, that he will not sell him anything, that he will evict him from his land, that he will not allow him to take his cattle across his field, without offending the law in the slightest degree. In doing this he is only exercising his right. The law does not care with what motive he does it. The law does not see what injury it causes to the Untouchable. The police may misuse his power and his authority. He may deliberately falsify the record by taking down something which has not been stated or by taking down something which is quite different from what has been stated. He may disclose evidence to the side in which he is interested. He may refuse to arrest. He may do a hundred and one things to spoil the case. All this he can do without the slightest fear of being brought to book. The loopholes of law are many, and he knows them well. The magistrate has vested in him an enormous amount of discretion. He is free to use it. The decision of a case depends upon the witnesses who can give evidence. But the decision of the case depends upon whether the witnesses are reliable or not. It is open to the magistrate to believe one side and disbelieve the other side. He may be quite arbitrary in believing one side, but it is his discretion, and no one can interfere with it. There are

innumerable cases in which this discretion has been exercised by the Magistrate to the prejudice of the Untouchables. However truthful the witnesses of the Untouchables, the magistrates have taken a common line by saying "I disbelieve the witnesses", and no body has questioned that discretion. What sentence to inflict is also a matter of discretion with the magistrate. There are sentences which are appealable and there are sentences which are non-appealable. An appeal is a way of getting redress. But this way may be blocked by a magistrate by refusing to give an appealable sentence.

Such are the forces which are arrayed against the struggling Untouchables. There is simply no way to overcome them because there is no legal way of punishing a whole society which is organized to set aside the law.

V

One way of lessening these difficulties—they certainly cannot be overcome—was open to the Untouchables. That way lay through politics and through effective use of political power. But in this matter the Untouchables have been foiled.

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