

CHAPTER III

A MEAN DEAL

Congress Refuses To Part With Power

I

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.

On the 12th November 1930, His late Majesty 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 MacDonald, 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.

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 their 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."

(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 Cmd. 207, p. 56.

Condition No. II:

FREE ENJOYMENT OF EQUAL RIGHTS

It is no use for 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 section 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.*

<p>U.S. Statutes At Large. Civil Rights Protection Acts of April 9, 1866, and of March, 1, 1875—passed in the interest of the Negroes after their emancipation.</p>	<p><i>“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.”</i></p>
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(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 necessities 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 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 the 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 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 employ 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 accommodations, 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.*

Condition No. IV

ADEQUATE REPRESENTATION IN THE LEGISLATURES

The Depressed Classes must be given sufficient political power to influence legislative and executive action for the purpose of securing their welfare. *In view of this they demand that the following provisions shall be made in the electoral law so as to give them—*

(1) *Right to adequate representation in the Legislatures of the Country, Provincial and Central.*

(2) *Right to elect their own men as their representatives,*

(a) *by adult suffrage, and*

(b) *by separate electorates for the first ten years and thereafter by joint electorates and reserved seats, it being understood that joint electorates shall not be forced upon the Depressed Classes against their will unless such joint electorates are accompanied by adult suffrage.*

N.B.—Adequate Representation for the Depressed Classes cannot be defined in quantitative terms until the extent of representation allowed to other communities is known. But it must be understood that the Depressed Classes will not consent to the representation of any other community being settled on better terms than those allowed to them. They will not agree to being placed at a disadvantage in this matter. In any case the Depressed Classes of Bombay and Madras must have weightage over their population ratio of representation

irrespective of the extent of representation allowed to other minorities in the Provinces.

Condition No. V

ADEQUATE REPRESENTATION IN THE SERVICES

The Depressed Classes have suffered enormously at the hands of the high caste officers who have monopolized the Public Services by abusing the law or by misusing the discretion vested in them in administering it to the prejudice of the Depressed Classes and to the advantage of the caste Hindus without any regard to justice, equity or good conscience. This mischief can only be avoided by destroying the monopoly of caste Hindus in the Public Services and by regulating the recruitment to them in such a manner that all communities including the Depressed will have an adequate share in them. For this purpose the Depressed Classes have to make the following proposals for statutory enactment as part of the constitutional law:—

(1) There shall be established in India and in each Province in India a public Services Commission to undertake the recruitment and control of the Public Services.

(2) No member of the Public Service Commission shall be removed except by a resolution passed by the Legislature nor shall he be appointed to any office under the Crown after his retirement.

(3) It shall be the duty of the Public Service Commission, subject to the tests of efficiency as may be prescribed,

(a) to recruit the Services in such a manner as will secure due and adequate representation of all communities, and

(b) to regulate from time to time priority in employment in accordance with the existing extent of the representation of the various communities in any particular service concerned.

Condition No. VI

*REDRESS AGAINST PREJUDICIAL ACTION OR
NEGLECT OF INTERESTS*

In view of the fact that the Majority Rule of the future will be the rule of the orthodox, the Depressed Classes fear that such a Majority Rule will not be sympathetic to them and that the probability of prejudice to their interests and neglect of their vital needs cannot be overlooked. It must be provided against particularly because, however adequately represented the

Depressed Classes will be in a minority in all legislatures. The Depressed Classes think it very necessary that they should have the means of redress given to them in the constitution. *It is therefore proposed that the following provision should be made in the constitution of India :—*

“In and for each Province and in and for India it shall be the duty and obligation of the Legislature and the Executive or any other Authority established by Law to make adequate provision for the education, sanitation, recruitment in Public Services and other matters of social and political advancement of the Depressed Classes and to do nothing that will prejudicially affect them.

“(2) Where in any Province or in India the provisions of this section are violated an appeal shall lie to the Governor-General in Council from any act or decision of any Provincial Authority and to the Secretary of State from any act or decision of a Central Authority affecting the matter.

“(3) In every such case where it appears to the Governor-General in Council or to the Secretary of State that the Provincial Authority or Central Authority does not take steps requisite for the due execution of the provisions of this Section then and in every such case, and as far only as the circumstances of each case require the Governor-General in Council or the Secretary of State acting as an appellate authority may prescribe, for such period as they may deem fit, take remedial measures for the due execution of the provisions of this Section and of any of its decisions under this Section and which shall be binding upon the authority appealed against.

Condition No. VII

SPECIAL DEPARTMENTAL CARE

The helpless, hapless and sapless condition of the Depressed Classes must be entirely attributed to the dogged and determined opposition of the whole mass of the orthodox population which will not allow the Depressed Classes to have equality of status or equality of treatment. It is not enough to say of their economic condition that they are poverty-stricken or that they are a class of landless labourers, although both these statements are statements of fact. It has to be noted that the poverty of the Depressed Classes is due largely to the social prejudices in consequence of which many an occupation for earning a living is closed to them. This is a fact which differentiates the position of the Depressed Classes from that of the ordinary caste labourer and is often a source of trouble between the two. It has also to be borne in mind that the forms of tyranny and oppression

practised against the Depressed Classes are very various and the capacity of the Depressed Classes to protect themselves is extremely limited. The facts, which obtain in this connection and which are of common occurrence throughout India, are well described in the Abstracts of Proceedings of the Board of Revenue of the Government of Madras dated 5th Nov., 1892, No. 723, from which the following is an extract:—

“134. There are forms of oppression only hitherto hinted at which must be at least cursorily mentioned. To punish disobedience of Pariahs, their masters —

- (a) Bring false cases in the village court or in the criminal courts.
- (b) Obtain, on application, from Government waste lands lying all round the paracheri, so as to impound the Pariahs' cattle or obstruct the way to their temple.
- (c) Have mirasi names fraudulently entered in the Government account against the paracheri.
- (d) Pull down the huts and destroy the growth in the backyards.
- (e) Deny occupancy right in immemorial sub-tenancies.
- (f) Forcibly cut the Pariahs' crops, and on being resisted, charge them with theft and rioting.
- (g) Under misrepresentations, get them to execute documents by which they are afterwards ruined.
- (h) Cut off the flow of water from their fields.
- (i) Without legal notice, have the property of sub-tenants attached for the land-lords' arrears of revenue.

“135. It will be said there are civil and criminal courts for the redress of any of these injuries. There are the courts indeed ; but India does not breed village Hampdens. One must have courage to go to the courts ; money to employ legal knowledge, and meet legal expenses ; and means to live during the case and the appeals. Further most cases depend upon the decision of the first court ; and these courts are presided over by officials who are sometimes corrupt and who generally, for other reasons, sympathize with the wealthy and landed classes to which they belong.

“136. The influence of these classes with the official world can hardly be exaggerated. It is extreme with natives and great even with Europeans. Every office, from the highest to the lowest, is stocked with their representatives, and there is no proposal affecting their interests but they can bring a score of influence to bear upon it in its course from inception to execution.”

There can be no doubt that in view of these circumstances the uplift of the Depressed Classes will remain a pious hope unless the task is placed in the forefront of all governmental activities and unless equalization of opportunities is realized in practice by a definite policy and determined effort on the part of Government. *To secure this end the proposal of the Depressed Classes is that the Constitutional Law should impose upon the Government of India a statutory obligation to maintain at all times a department to deal with their problems by the addition of a section in the Government of India Act to the following effect:—*

“1. Simultaneously with the introduction of this Constitution and as part thereof, there shall be created in the Government of India a Department to be in charge of a Minister for the purpose of watching the interests of the Depressed Classes and promoting their welfare.

“2. The Minister shall hold office so long as he retains the confidence of the Central Legislature.

“3. It shall be the duty of the Minister in the exercise of any powers and duties conferred upon him or transferred to him by law, to take all such steps as may be desirable to secure the preparation, effective carrying out and co-ordination of measures preventative of acts of social injustice, tyranny or oppression against the Depressed Classes and conducive to their welfare throughout India.

“4. It shall be lawful for the Governor-General—

(a) to transfer to the Minister all or any powers or duties in respect of the welfare of the Depressed Classes arising from any enactment relating to education, sanitation, etc.

(b) to appoint Depressed Classes welfare bureaus in each province to work under the authority of and in co-operation with the Minister.

Condition No. VIII

DEPRESSED CLASSES AND THE CABINET

Just as it is necessary that the Depressed Classes should have the power to influence governmental action by seats in the Legislature so also it is desirable that the Depressed Classes should have the opportunity to frame the general policy of the Government. This they can do only if they can find a seat in the Cabinet. The Depressed Classes therefore claim that in common with other minorities, their moral rights to be represented in the Cabinet should be recognized. With this purpose in view *the Depressed Classes propose;*

that in the Instrument of Instructions an obligation shall be placed upon the Governor and the Governor-General to endeavour to secure the representation of the Depressed Classes in his Cabinet.

II

What happened to these demands of the Untouchable and how the members of the Minorities Committee reacted to them can be well understood by a perusal of the Report made by the Minorities Committee to the Round Table Conference. I give below a few extracts from that Report :—

“5. Claims were therefore advanced by various committees that arrangements should be made for communal representation and for fixed proportions of seats. It was also urged that the number of seats reserved for a minority community should in no case be less than its proportion in the population. The methods by which this could be secured were mainly three: (1) nomination, (2) electorates and (3) separate electorates.

“6. Nomination was unanimously deprecated.

“7. Joint electorates were proposed with the proviso that a proportion of seats should be reserved to the communities. Thus a more democratic form would be given to the elections whilst the purpose of the electorate system would be secured. Doubts were expressed that, whilst such a system of election might secure the representation of minorities, it provided no guarantee that the representation would be genuine, but that it might, in its working, mean the nomination or, in any event, the election of minority representatives by the majority communities.

It was pointed out that this was in fact only a form of community representation and had in practice all the objections to the more direct form of community electorates.

“8. The discussion made it evident that the demand which remained as the only one which would be generally acceptable was separate electorates. The general objection to this scheme has been subject to much previous discussion in India. It involves what is a very difficult problem for solution, viz., what should be the amount of communal representation in the various provinces and in the Centre ; that, if the whole, or practically the whole, of the seats in a legislature are to be assigned to communities, there will be no room for the growth of independent political opinion or of true political parties, and this problem received a serious complication by the demand of the

representative of the Depressed Classes that they should be deducted from the Hindu population and be regarded, for electoral purposes, as a separate community.

“9. It was suggested that, in order to meet the most obvious objection to the ear-marking of seats to communalities, only a proportion should be so assigned—say 80 per cent, or 90 per cent.—and that the rest should be filled by open election. This, however, was not regarded by some of the communities as giving them the guarantees they required.

“10. The scheme proposed by Maulana Muhammad Ali, a member of the Sub-Committee, whose death we deplore, that, as far as possible no communal candidate should be elected unless he secured at least 40 per cent, according to arrangement, of the votes of the other community, was also considered. It was, however, pointed out that such a scheme necessarily involved the maintenance of communal registers and so was open to objections similar to those urged against separate electorates.

“11. No claim for separate electorate or for the reservation of seats in joint electorates was made on behalf of women who should continue to be eligible for election on the same footing as men. But, in order to familiarize the public mind with the idea of women taking an active part in political life and to secure their interim representation on the legislature, it was urged that 5 per cent. of the seats in the first three Councils should be reserved for women and it was suggested that they should be filled by co-option by the elected members voting by proportional representation.

“12. There was general agreement with the recommendation of Sub-Committee No. II (Provincial Constitution) that the representation on the Provincial Executive of important minority communities was a matter of the greatest practical importance for the successful working of the new constitution, and it was also agreed that, on the same grounds, Muhammadans should be represented on the Federal Executive. On behalf of the smaller minorities a claim was put forward for their representation, either individually or collectively, on the Provincial and Federal Executives or that, if this should be found impossible, in each Cabinet there should be a Minister specially charged with the duty of protecting minority interests.

(Dr. Ambedkar and Sardar Ujjal Singh would add the words “and other important minorities” after the word Muhammadans in line 6).

The difficulty of working jointly responsible Executives under such a scheme as this was pointed out.

“13. As regards the administration, it was agreed that recruitment to both Provincial and Central Services should be entrusted to Public Service Commissions, with instructions to reconcile the claims of the various communities to fair and adequate representation in the Public Services, whilst providing for the maintenance of a proper standard of efficiency.

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“16. It has also been made clear that the British Government cannot, with any chance of agreement, impose upon the communities an electoral principle which, in some feature or other, would be met by their opposition. It was therefore plain that, failing an agreement, separate electorates, with all their drawbacks and difficulties, would have to be retained as the basis of the electoral arrangements under the new constitution. From this the question of proportions would arise. Under these circumstances, the claims of the Depressed Classes will have to be considered adequately.

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“18. The Minorities and Depressed Classes were definite in their assertion that they could not consent to any self-governing constitution for India unless their demands were met in a reasonable manner.”

The Federal Structure Committee, another Committee appointed by the Round Table Conference to discuss the form and functions of the Central Government, had also to consider the question of the Untouchables in connection with the composition of the Federal Legislatures. In the report it made to the Conference it said :—

“Opinion was unanimous in the sub-committee that, subject to any report of the Minorities Sub-Committee, provision should be made for the representation, possibly in both Chambers and certainly in the Lower Chamber, of certain special interests, namely, the Depressed Classes, Indian Christians, Europeans, Anglo-Indians, Landlords, Commerce (European and Indian) and Labour.”

III

Before the first session of the Round Table Conference was concluded the reports of both the Committees were placed before the Conference and were passed by the Conference. It will be noticed that although agreement on details was lacking it was unanimously accepted that the Untouchables were entitled to recognition as a separate entity for political and constitutional purposes.

The only party in the country whose attitude to this decision of the Round Table Conference was not known when the First Session of the Round Table Conference was closed, was the Congress. This was because the Congress had boycotted the Round Table Conference and was busy in carrying on civil disobedience against the Government. By the time the Second Session of the Round Table Conference became due, a compromise between His Majesty's Government and the Congress was reached as a result of which the Congress agreed to participate in it and make its contribution to the solution of the many problems confronting the Conference. Everybody, who had witnessed the good temper, happy relationship and the spirit of give and take shown by the delegates at the first session of the Round Table Conference, hoped that the progress made would be maintained from session to session. Indeed the rate of progress in forging an agreement was expected to be much more rapid as a result of the advent of the Congress. In fact, friends of Congress were alleging that if the session did not produce an agreement it was because of the absence of the Congress.

Everybody was therefore looking forward to the Congress to lead the Conference to success. Unfortunately, the Congress chose Mr. Gandhi as its representative. A worse person could not have been chosen to guide India's destiny. As a unifying force he was a failure. Mr. Gandhi presents himself as a man full of humility. But his behaviour at the Round Table Conference showed that in the flush of victory Mr. Gandhi can be very petty-minded. As a result of his successful compromise with the Government just before he came, Mr. Gandhi treated the whole Non-Congress delegation with contempt. He insulted them whenever an occasion furnished him with an excuse by openly telling them that they were nobodies and that he alone, as the delegate of the Congress, represented the country. Instead of unifying the Indian delegation, Mr. Gandhi widened the breach. From the point of view of knowledge, Mr. Gandhi proved himself to be a very ill-equipped person. On the many constitutional and communal questions with which the Conference was confronted, Mr. Gandhi had many platitudes to utter but no views or suggestions of a constructive character to offer. He presented a curious complex of a man who in some cases would threaten to resist in every possible way any compromise on what he regarded as a

principle though others regarded it as a pure prejudice but in other cases would not mind making the worst compromises on issues which appeared to others as matters of fundamental principle on which no compromise should be made.

Mr. Gandhi's attitude to the demands of the Untouchables at the second session of the Round Table Conference furnishes the best illustration of this rather queer trait in his character. When the delegates assembled for the second session of the Round Table Conference the Federal Structure Committee met first. In the very first speech which he made in the Federal Structure Committee on 15th September 1931, Mr. Gandhi referred to the question of the Untouchables. Mr. Gandhi said :—

“The Congress has, from its very commencement, taken up the cause of the so-called ‘Untouchables.’ There was a time when the Congress had at every annual session as its adjunct the Social Conference, to which the late Ranade dedicated his energies, among his many other activities. Headed by him you will find, in the programme of the Social Conference, reform in connection with the ‘Untouchables’ taking a prominent place. But, in 1920, the Congress took a large step and brought in the question of the removal of untouchability as a plank on the political platform, making it an important item of the political programme. Just as the Congress considered the Hindu-Muslim unity—thereby meaning unity amongst all the classes—to be indispensable for the attainment of Swaraj, so also did the Congress consider the removal of the curse of untouchability as an indispensable condition for the attainment of full freedom. The position the Congress took up in 1920 remains the same today; and so you will see the Congress has attempted from its very beginning to be what it described itself to be, namely, national in every sense of the term.”

Anyone, who has perused how the Congress failed to carry out the 1922 programme for the uplift of the Untouchables which was included in the Bardoli programme and how it left it to the Hindu Maha Sabha, could have no hesitation in saying that what Mr. Gandhi said was untrue. The speech however gave no indication as to what line Mr. Gandhi was going to take on the demands presented by the Untouchables, although I could see the drift of it.¹ But he did not leave people long in

¹Before going to the First Session of the Round Table Conference I had an interview with Mr. Gandhi in Bombay in which he had told me that he was not in favour of regarding the Untouchables as a separate entity for political purposes.

imagining what his position was going to be. The meeting of the Federal Structure Committee held on the 17th of September 1931 provided him the necessary occasion. The agenda for the meeting included the question of election of members of the Federal Legislatures. Expressing his views on the subject, Mr. Gandhi made the following statement:—

“I come to sub-head (v)—representation by special constituencies of special interests. I here speak for the Congress. The Congress has reconciled itself to special treatment of the Hindu-Muslim-Sikh tangle. There are sound historical reasons for it but the Congress will not extend that doctrine in any shape or form. I listened to the list of special interests. So far as the Untouchables are concerned, I have not yet quite grasped what Dr. Ambedkar has to say : but of course the Congress will share the honour with Dr. Ambedkar of representing the interests of the Untouchables. They are as clear to the Congress as the interests of any other body or of any other individual throughout the length and breadth of India. Therefore I would most strongly resist any further special representation.”

This was nothing but a declaration of War by Mr. Gandhi and the Congress against the Untouchables. In any case it resulted in a war between the two. With this declaration by Mr. Gandhi, I knew what Mr. Gandhi would do in the Minorities Committee which was the main forum for the discussion of this question.

Mr. Gandhi was making his plans to bypass the Untouchables and to close the communal problem by bringing about a settlement between the three parties, the Hindus, the Muslims and the Sikhs. He had been carrying on negotiations privately with the Muslims before the Minorities Committee met, but evidently they had not been concluded. Consequently, when the Minorities Committee met on 28th September 1931, Sir Ali Imam representing the Nationalist Muslim point of view started the debate. He began by saying :—

“I am personally not aware if there are any negotiations going on so far as the Muslim Delegation is concerned. I have had no opportunity of knowing that there are any proposals at present that are under consideration. It may be, as I have heard generally, that some kind of understanding may be arrived at. I do not vouch for it; I know nothing about it. If you desire, Sir, that I should put before you the Muslim Nationalists’ point of view, I shall be ready to do so ; but of course, I must have

your permission, because it may take a little time and economy of time in a meeting like this is one's principal aim.

Chairman: The point is that this Committee's business is very strictly limited to a consolidation of the Minorities problem.

Sir Ali Imam: It is from that point of view that I shall approach the subject.

Chairman : If there is no other official intervention shall I call on Sir Ali Imam ?”

Then followed His Highness the Aga Khan who said :—

“I believe that Mahatma Gandhi is going to see the Muslim Delegation to-night. We hope to-night to have a friendly talk with our friend. That is all that I can tell you as far as any possible negotiation is concerned.”

Pandit Madan Mohan Malaviya also suggested that a short adjournment may be fruitful of results. Knowing that this was a mischievous move I got up and spoke as follows :—

“I should like to say one word before we adjourn. As regards your suggestion—that while these negotiations are going on members of the other minority communities should prepare their case—I should like to say that so far as the Depressed Classes are concerned, we have already presented our case to the Minorities Sub-Committee last time.

“The only thing which remains for me to do is to put before this Committee a short statement¹ suggesting the quantum of representation which we want in the different Legislatures. Beyond that I do not think I am called upon to do anything; but the point I am anxious to make at the very outset is this. I have heard with great pleasure that further negotiations are going to take place for the settlement of the communal issue, but I would like to make our position clear at the very start. I do not wish any doubt should be left on this question. Those who are negotiating ought to understand that they are not plenipotentiaries appointed by the Committee to negotiate a settlement; that whatever may be the representative character of Mr. Gandhi or of the other parties with whom he wishes to negotiate, they certainly are not in a position to bind us— certainly not. I say that most emphatically in this meeting.

“Another thing I want to say is this—that the claims put forward by the various minorities are claims put forward by them irrespective of the consideration as to whether the claims that they have put forward are consistent with the claims of the other minorities. Consequently, any settlement which takes

¹ This I did by putting in another memorandum which is included as Appendix II.

place between one minority on the one hand and the Congress or any other party for the matter of that on the other hand, without taking into consideration the claims which have been put forward by other minorities, can have no binding force as far as I am concerned. I have no quarrel with the question whether any particular community should get weightage or not, but I do want to say most emphatically that whoever claims weightage and whoever is willing to give that weightage he must not give it—he cannot give it—out of my share. I want to make that absolutely plain.”

What followed will be clear from the extract from the proceedings given, below :—

“Chairman: Do not let there be any misunderstanding. This is the body before which the final settlement must come, and the suggestion is merely that if there are minorities or communities that hitherto have been in conflict with each other they should use a short time for the purpose of trying to overcome their difficulties. That will be a step and a very important and essential step, towards a general agreement, but the agreement is going to be a general one.

Dr. Ambedkar : I have made my position absolutely clear.

“Chairman: Dr. Ambedkar’s position has been made absolutely clear; in his usual splendid way he has left no doubt at all about it, and that will come up when this body resumes its discussion. What I would like to do is to get you all to feel that we are co-operating together for a general Settlement; not for a settlement between any two or any three, but a complete settlement.

“Chairman: The position is this. We will adjourn now, I think, and later continue our meetings. Pending any negotiations that may be going on between any two or any three of you, we can take up the time in listening to a statement of the claims of the other minorities. I think that would be very useful. It would save time, and it would not mar the possibility of any harmony that may be reached between, say, our Sikh friends—who, we know, can look after themselves with a great deal of persistence—Mr. Gandhi and his friends and the Aga Khan and his.

“Dr. Ambedkar: I should like to Suggest whether it would not be possible for you to appoint a small Committee consisting of members drawn from the various minority communities, along with the Congress representatives, to sit in an informal manner and discuss this problem during the period of the adjournment.

“Chairman: I was going to make this suggestion. Do not ask me to appoint that Committee; do it yourselves. I have invited you to get together. Could not you manage to hold an informal meeting amongst yourselves and talk the matter over, and then when you speak here you will speak with some sort of knowledge of the effect of what you are saying on others ? Could we leave it in that way ?

“Dr. Ambedkar: As you like.

“Chairman : That would be far better.”

No settlement was evidently arrived at between the three parties during the adjournment. Consequently when the Minorities Committee met again on 1st October 1931, Mr. Gandhi said :—

“Prime Minister, after consultation with His Highness the Aga Khan and other Muslim friends last night, we came to the conclusion that the purpose for which we meet here would be better served if a week’s adjournment was asked for. I have not had the opportunity of consulting my other colleagues, but I have no doubt that they will also agree in the proposal I am making.”

The proposal was seconded by the Aga Khan. I got up to oppose the motion. What I said will be clear from the following extract from the proceedings :—

“Dr. Ambedkar: I do not wish to create any difficulty in our making every possible attempt to arrive at some solution of the problem with which this Committee has to deal, and if a solution can be arrived at by the means suggested by Mahatma Gandhi, I, for one, will have no objection to that proposal.

“But there is just this one difficulty with which I, as representing the Depressed Classes, am faced. I do not know what sort of committee Mahatma Gandhi proposes to appoint to consider this question during the period of adjournment, but I suppose that the Depressed Classes will be represented on this Committee.

“Mr. Gandhi: Without doubt.

“Dr. Ambedkar: Thank you. But I do not know whether in the position in which I am today it would be of any use for me to work on the proposed Committee. And for this reason. Mahatma Gandhi told us on the first day that he spoke in the Federal Structure Committee that as a representative of the Indian National Congress he was not prepared to give political recognition to any community other than the Muhammadans and the Sikhs. He was not prepared to recognize the Anglo-Indians, the Depressed Classes, and the Indian Christians.