Now everybody in India, outside the Hindus, knows that whatever may be its title it is beyond question that the Congress is a body of middle class Hindus supported by the Hindu Capitalists whose object is not to make Indians free but to be independent of British control and to occupy places of power now occupied by the British. If the kind of Freedom which the Congress wants was achieved there is no doubt that the Hindus would do to the Untouchables exactly what they have been doing in the past. In the light of this apathy the Indian branch of the Institute of International Affairs may well be congratulated for having invited a paper for submission to the Institute of Pacific Relations, discussing the position of the Untouchables in India in the New Constitution. I must confess that this invitation for a statement on the position of the Untouchables under the new constitution came to me as an agreeable surprise and a great relief and it is because of this, that notwithstanding the many things with which I am preoccupied, I agreed to find time to prepare this paper.

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CHAPTER III

THE POLITICAL DEMANDS OF THE UNTOUCHABLES

THE problem of the Untouchables is an enormous problem. As a matter of fact I have been for some time engaged on a work dealing with this problem which will run into several hundred pages. All that I can do within the limits of this paper is to set out in a brief compass what the nature of the problem is and the solution which the Untouchables have themselves propounded. It seems to me that I cannot do better than begin by drawing attention to the following Resolutions which were passed at the All-India Scheduled Castes* Conference held in the city of Nagpur on the 18th and 19th July 1942 :-

Resolution No. II

CONSENT ESSENTIAL TO CONSTITUTION

"This Conference declares that no constitution will be acceptable to the Scheduled Castes unless,

(i) it has the consent of the Scheduled Castes,

(ii) it recognises the fact that the Scheduled Castes are distinct and separate from the Hindus and constitute an important element in the national life of India, and

(iii) contains within itself provisions which will give to the Scheduled Castes a real sense of security under the new constitution and which are set out in the following resolutions."

*Under the Government of India Act of 1935 the Untouchables are designated as 'Scheduled Castes'.

Resolution No. III

ESSENTIAL PROVISIONS IN THE NEW CONSTITUTION

"For creating this sense of security in the Scheduled Castes; this Conference demands that the following provisions shall be made in the new Constitution :-

(1) That in the budget of every provincial Government an annual sum as may be determined upon by agreement be set apart for promoting the primary education among the children of the Scheduled Castes and another annual sum for promoting advanced education among them, and such sums shall be declared to be the first charge on the revenues of the Province.

(2) That provision shall be made by law for securing representation to the Scheduled Castes in all Executive Governments-Central and Provincial-the proportion of which shall be determined in accordance with their number, their needs and their importance.

(3) That provision shall be made by law for securing representation to the Scheduled Castes in the Public Services the proportion of which shall be fixed in accordance with their number, their needs and their importance. This Conference further insists that in the case of security services such as Judiciary, Police and Revenue, provision shall be made that the proportion fixed for the Scheduled Castes shall, subject to the rule of minimum qualification, be realized within a period of ten years.

(4) That provision shall be made by law for guaranteeing to the Scheduled Castes representation in all Legislatures and Local bodies in accordance with their number, needs and importance.

(5) That provision shall be made by law whereby there presentation of the Scheduled Castes in all Legislatures and Local Bodies shall be by the method of Separate Electorates.

(6) That provision shall be made by law for the representation of the Scheduled Castes on all Public Service Commissions, Central and Provincial."

Resolution No. IV.

SEPARATE SETTLEMENTS

"It is the considered opinion of this conference,

(a) that so long as the Scheduled Castes continue to live on the outskirts of the Hindu village, with no source of livelihood and in small number as compared to Hindus, they will continue to remain Untouchables and subject to the tyranny and oppression of the Hindus and will not be able to enjoy free and full life.

(b) That for the better protection of the Scheduled Castes from the tyranny and oppression of the Caste Hindus, which may take a worse form under Swaraj which cannot but be a Hindu Raj, and

(c) to enable the Scheduled Castes to develop to their fullest manhood, to give them economical and social security as also to pave the way for the removal of untouchability."

This Conference has after long and mature deliberation come to the conclusion that a radical change must be made in the village system now prevalent in India and which is the parent of all the ills from which the Scheduled Castes are suffering for so many centuries at the hands of the Hindus. Realising the necessity of these changes this conference holds that along with the Constitutional changes in the system of Government there must be a change in the village system now prevalent, made along the following lines :

(1) The constitution should provide for the transfer of the Scheduled Castes from their present habitation and form separate Scheduled Caste villages away from and independent of Hindu village.

(2) For the settlemernt of the Scheduled Castes in new villages a provision shall be made by the constitution for the establishment of a Settlement Commission.

(3) All Government land which is cultivable and which is not occupied shall be handed over to the Commission to be held in trust for the purpose of making new settlements of the Scheduled Castes.

(4) The Commission shall be empowered to purchase new land under the Land Acquisition Act from private owners to complete the scheme of settlement of Scheduled Castes.

(5) The constitution shall provide that the Central Government shall grant to the Settlement Commission a minimum sum of Rupees five crores per annum to enable the Commission to carry out their duty in this behalf.

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CHAPTER **IV**

HINDU OPPOSITION

THE demands set forth in those resolutions fall into three categories (1) Political, (2) Educational and (3) Economic and Social.

Taking the political demands first it is obvious that they ask for three safeguards :–

(1) That the Legislature shall not be merely representative of the people but it shall be representative separately of both categories Hindus as well as Untouchables.

(2) That the Executive shall not be merely responsible to the Legislature, which means to the Hindus, but shall also be responsible both to the Hindus as well as to the Untouchables.

(3) That the administration shall not be merely efficient but shall also be worthy of trust by all sections of the people and also of the Untouchables and shall contain sufficient number of representatives of the Untouchables holding key positions so that the Untouchables may have confidence , in it.

These Political demands of the Untouchables have been the subject matter of great controversy between the Untouchables and the Hindus. Mr. Gandhi, the friend of the Untouchables, preferred to fast unto death rather than consent to them and although he yielded he is not reconciled to the justice underlying these demands. It will be well if I set out at this stage what the Hindu or the Congress Scheme of representative Government is. It is as follows :–

(1) The Legislature to be elected by Constituencies which are to be purely territorial.

(2) The Executive to be drawn solely from the Majority party in the Legislature.

(3) The Administration to be run by a public service based entirely upon considerations of efficiency.

The Hindus of the Congress describe their own pet scheme as a National Scheme and call the scheme put forth by the Untouchables as the Communal Scheme. As I will show, there is no substance in this distinction. It is a case of damning what you do not like by the easy method of giving it a bad and a repelling name. Such tactics can't give strength to a case which is inherently weak. To expose its weakness let me examine the merits of the socalled National Scheme. Before proceeding it might be desirable to note the points of agreement and the points of difference between the two. Both have the same object, inasmuch as both stand for a representative Legislature. The point of difference lies in the method of devising a scheme which will make the Legislature a truly representative Legislature. The so-called national scheme insists upon the territorial constituency as being both proper and sufficient for producing a representative Legislature in India. What is called the Communal Scheme denies that a territorial constitution can produce a truly representative legislature in India in view of the peculiar social structure of the Indian Society as it exists today. The issue can a purely territorial constituency produce a really representative legislature in India ? It is round this issue that the controversy has centered.

The so-called National Scheme of the Hindus generally appeals to the Westerner and he prefers it to the so-called Communal Scheme. This is largely because the Westerner knows and is accustomed only to the system of territorial constituency. But there can be no doubt that this so-called National Scheme is on merits quite unsound and on motives worse than communal.

That it is unsound will be quite obvious to any one who will stop to examine the assumptions which are involved in the alleged efficacy and sufficiency of the territorial constituency. What are these assumptions ? To mention only those which are most important,

(1) It assumes that the majority of voters in a constituency represents the will of the constituency as a whole.

(2) That it is enough to take stock of the general will of the constituency as expressed by the majority and mat the will of any particular section however much it may be in conflict with the will of the majority may be ignored without remorse and without being guilty of any inequity.

(3) That the representative who is elected by the voters will represent the wishes and interests of the voters and that there is not the danger of the representative allowing the interest of his class to dominate and override the interests and wishes of the voter who elects him.

Every one of these assumptions is a false assumption unjustified by any theory and unsupported by experience. The history of Parliamentary Government furnishes abundant proof in support of this assertion and even the history of England tells the same tale. It is wrong to suppose that the majority in all circumstances can be trusted to represent the will of all sections of people in the constituency. As a matter of fact it can never do so to any satisfactory degree. If at all, it can only give a very pale reflection of the general will and even that capacity for pale reflection must depend upon how numerous and varied are the interests which are consciously shared by the different sections of the constituency and how full and free is the intereplay between them. It is obvious that where, as in India, there are no interest which are shared, where there is no full and free interplay and where there are no common cycles of participation for the different sections, one section large or small cannot represent the will of the other. The will of the majority is the will of the majority and nothing more, and no amount of logical ingenuity can alter the fact and to give effect to it is to allow full play to the tyranny of the Majority.

Again it is wrong to suppose that the representative elected to the Legislature will represent the wishes of the voters who elect him and forget or subordinate the interests of the class to which he belongs. The case of the representative is a case of divided loyalties. He is confronted with two-rather with three- conflicting duties (1) a duty to himself, (2) a duty to the class to which he belongs, and (3) a duty to the voters who have elected him. Omitting the first from our consideration it is common experience that the representative prefers the interests of his class to that of his voters. And why should any one expect him to act otherwise ? It is in the nature of things that a man's self should be nearer to him than his constituency. There is a homely saying that man's skin sits closer to him than his shirt. To the members of the Legislature it is true more often than not that his class is his skin

and the constituency is a shirt which it is unnecessary to say is one degree removed than the skin.

The Hindu therefore in relying upon the territorial constituency is seeking to base the political structure of India upon foundations which all political architects have declared to be unsound. The territorial constituency has long since been regarded even in European countries as a discredited piece of political mechanism. In great many European countries the representative system based on territorial constituency has been wound up and repalced by other systems of Government largely because the territorial system of representation produced neither good Government nor efficient Government. In other countries where representative institutions have survived there is an acute discontent with the result produced by the system of territorial constituencies. The proposals for occupational and functional representation, the proposals for referendum and recall all furnish proof, if proof is really wanted, that there is a great body of enlightened and intelligent opinion which is definitely against the system of territorial constituency.

In these circumstances the question as to why the Hindu insists upon a political mechanism which is discredited everywhere excites a certain amount of curiosity. The reason he gives is that it is the only mechanism which is consistent with nationalism. I am not convinced that this is the real explanation. The real explanation to my mind is very different. The Hindu prefers the territorial constituency because he knows that it will enable him to collect and concentrate all political power in the hands of the Hindus, and who can deny that his calculation is incorrect ? In a purely territorial constituency the contest, the Hindu knows, will be between a huge majority of Hindu voters and a small minority of Untouchable voters. Given this fact the Hindu majority - if it is a purely territorial constituency - is bound to win in all constituencies. But the Hindus besides relying upon their majority can also rely upon other factors which cannot but work to strengthen that majority. Those factors have their origin in the peculiar nature of the Hindu Society. The Hindu Social system which places communities one above the other is a factor which is bound to have its efect on the result of voting. By the Hindu Social system the Communities are placed in an ascending scale of reverence and a decending scale of contempt. It needs no prophet

to predict what effect these social attitudes will have on voting. No Caste Hindu will cast a vote in favour of an Untouchable candidate, for to him he is too contemptible a person to go to the Legislature. On the other hand there will be found many voters among the Untouchables who would willingly cast their votes for a Hindu candidate in preference to an Untouchable candidate. That is because he is taught to revere the former more than himself or his Untouchable kinsmen. I am not mentioning the other means which are often resorted to for catching votes of the poor, illiterate, unconscious, unorganised body of voters which the Untouchables are. A combination of all these circumstances is bound to work in the direction of augmenting the representation of the Hindus. Under a system of purely territorial constituencies it is quite certain the Hindus will have assured to them a majority. They can draw for their majority upon themselves as well as upon the Untouchables. It is equally certain that the Untouchables will lose all seats. They must; firstly because they are a minority, and secondly because the Hindus can successfully exploit the weaknesses of the Untouchables which makes them offer their votes to the Hindus as one offers burnt meat to his gods.

Understood in the light of these forces which are sure to make the territorial constituency profitable to the Hindus by enabling them to loot the political power which the Untouchable would become possessed of if the Communal Scheme came into operation, there can be no doubt that the National Scheme is from the result side, if not from the motive side, worse than the Communal Scheme.

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CHAPTER V

JOINT V/S SEPARATE ELECTORATES

THE Hindus have after a long struggle accepted the view that a purely territorial constituency will not do in a country like India. In a sense the previous discussion regarding the controversy between territorial constituency and communal constituency as two rival methods of bringing about a truly representative legislature was unnecessary. But I stated the case for and against because I felt that the foreigners who are not aware of Indian Political conditions ought to know the basic conceptions underlying that controversy. Unfortunately, however, the fact is that although the Hindus have accepted the basic argument in favour of communal scheme of representation they have not accepted all what the Untouchables are demanding. The Untouchables demand that their representation shall be by separate electorates. A separate electorate means an electorate composed exclusively of Untouchable voters who are to elect an Untouchable as their representative to the legislature. The Hindus agree that certain number of seats are to be reserved for Untouchables to be filled only by Untouchables. But they insist that the Untouchables who is to be the representative of the Untouchables in the Legislature should be elected by a mixed electorate consisting both of the Hindus as well as of the Untouchables and not by an electorate exclusively of the Untouchables. In other words there is still a controversy over the question of joint versus separate electorates. Here again I want to set out the pros and cons of this controversy. The objection to separate electorate raised by the Hindus is that separate electorate means the fragmentation of the nation. The reply is obvious. First of all, there is no nation of Indians in the real sense of the word. The nation does not exist, it is to be created, and I think it will be admitted that the suppression of a distinct and a separate community is not the method of creating a nation. Secondly, it is conceded – as the Hindus have done – that Untouchables should be represented in that Legislature by Untouchable then it cannot be

denied that the Untouchable must be a true representative of the Untouchable voters. If this is a correct position then separate electorate is the only mechanism by which real representation can be guaranteed to the Untouchables. The Hindu argument against separate electorate is insubstantial and unsupportable. The premises on which the political demands of the Untouchables are based are admitted by the Hindus. Separate electorate is only a consequence which logically follows from those premises. How can you admit the premise and deny the conclusion? Special electorates are devised as a means of protecting the minorities. Why not permit a minority like the Untouchables to determine what kind of electorate is necessary for its protection ? If the Untouchables decide to have separate electorates why should their choice not prevail ? These are questions to which the Hindus can give no answer. The reason is that the real objection to separate electorates by the Hindus is different from this ostensible objection raised in the name of a nation. The real objection is that separate electorate does not permit the Hindus to capture the seats reserved for the Untouchables. On the other hand the joint electorate does. Let me illustrate the point by a few examples of how joint and separate electorate would work in the constituency. Take the following constituencies from the Madras Presidency.

	Name of the Constituency	Total number of seats for Hindus	Seat reserved for the Untou-chables.	Total No. of Hindu voters.	Total No. of Untou-chable voters.	Ratio of Hindu voters to Untou-chable voters.
1.	Madras City South	2	1	40,626	2,577	16 to 1
2.	Chicacole	2	1	83,456	5,125	16 to 1
3.	Vijayana-gram	2	1	47, 594	996	49 to 1
4.	Amalapu-ram	1	1	52,805	7,760	7 to 1
5.	Ellore	1	1	51,795	5,155	9 to 1
6.	Bandar	1	1	84,191	8,723	10 to 1
7.	Tenali	2	1	1,32,107	5,732	24 to 1

The figures of the voting strength given in the above table for the seven constituencies taken at random in the Madras Presidency are illuminating. A scrutiny of the above figures is sufficient to show any disinterested person that if there is a separate electorate for the Untouchables in these seven constituencies they whould be in a position to elect a man in whom they had complete confidence and who would be independent to fight the battle of the Untouchables on the floor of the Legislature against the representatives of the Hindus. If, on the other hand, there is a joint electorate in these constituencies the representative of the Untouchables would be only a nominal representative and not a real representative, for no Untouchable who did not agree to be a nominee of the Hindus and a tool in their hands could be elected in a joint electorate in which the Untouchable voter was out numbered in ratio of 1 to 24 or in some cases 1 to 49. The joint electorate is from the point of the Hindus to use a familiar phrase a "rotten borough" in which the Hindus get the right to nominate an Untouchable to set nominally as a representative of the Untouchables but really as a tool of the Hindus. It will be noticed that the Hindu in opposing the so-called Communal Scheme of the Untouchables with his so-called National Scheme is not fighting for a principle nor is he fighting for the nation. He is simply fighting for his own interests. He is fighting to have in his hands the undivided control over political power. His first line of defence is not to allow any shares to be drawn up so that like the Manager of the Hindu joint family he can use the whole for his benefit. That is why he fought for purely territorial constituencies. Failing that he takes his second line of defence. He wants that if he is made to concede power he must not lose control over it. This is secured by joint electorates and frustrated by separate electorates. That is why the Hindu objects to separate electorates and insists on joint electorates.

The end of the so-called National Scheme may not be communal but the result undoubtedly is.

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CHAPTER VI

THE EXECUTIVE

THE second political demand of the Untouchables is that they must not only be represented in the Legislature but they must also be represented in the executive. This demand is also opposed by the Hindus. The argument of the Hindus takes two forms. One is that the executive must represent the majority of the Legislature and secondly the men in the Executive must be competent to hold places in the executive. I propose to deal with the second argument first.

It is an argument which is fundamentally sound. But it is equally necessary to realize that in a representative Government this argument cannot be carried too far. For as Professor Dicey has argued, "It has never been a primary object of constitutional arrangement to get together the best possible parliament in intellectual capacity. Indeed, it would be inconsistent with the idea of representative Government to attempt to form a parliament far superior in intelligence to the mass of the nation."

The stress upon competency is needless. Nobody has said that ignorant people should be made Ministers simply because they are Untouchables. Given the right to representation in the cabinet the Untouchables, there is no doubt, will elect the most competent people amongst them–there are a number of them in every province–to fill those places. Again why apply this limiting condition to the Untouchables only ? Like the Untouchables the Muslims are also claiming the right to be represented in the cabinet. Why have the Hindus not insisted upon such a limiting condition against the Muslims' claim? This shows that the objection of the Hindus is not based on reason. It is an excuse.

Coming to the second argument the Hindus are simply misusing the words majority and minority. They seem to forget that majority and minority are political categories. As political categories there is no fixed majority or a fixed minority. Political majorities and political minorities are fluid bodies and what is a majority today

may become a minority tomorrow, and what is a minority today may become a majority tomorrow. The difference between the Hindus and the Untouchables cannot be said to be a difference of this sort. There is no endosmosis between the Untouchables and Hindus as there is between the Majority and Minority. There is another characteristic of a majority and minority relationship which would make them inapplicable to the relationship which subsists between the Hindus and the Untouchables. The majority and minority are divided by a difference only–difference in the point of views. They are not separated by a fundamental and deadly antagonism as the Hindus are from the Untouchables. There is a third characteristic of Majority and Minority relationship which is not to be found in the relationship that subsists between the Hindus and the Untouchables. A minority grows into a minority and a majority in becoming a majority absorbs so much of the sentiment of the minority that the minority is satisfied with the result and does not feel the urge of fighting out the issue with the majority. Now all these considerations are quite foreign to the relationship between the Hindu Majority and the Untouchable minority. They are fixed as permanent communites. They are not merely different but they are antagonistic. To speak of them as majority and minority would be as true and as useful as would be to speak of the Germans being a majority and the French being a minority.

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CHAPTER VII

PUBLIC SERVICES

THE Untouchables demand that a certain proportion of posts in the public services of the country shall be reserved for them, subject to the rule of minimum qualification. The Hindus object to this demand as they do to the other demands of the Untouchables. The stand they take is that the interests of the State require that capacity, efficiency and character should be the only consideration and that caste and creed should have no place in making appointment to public offices. There is no dispute regarding character as a necessary qualification. Nor is there any dispute regarding capacity and efficiency. The only point of dispute, and it is a very important point, is whether caste and creed should form a consideration which must be taken into account in the recruitment for public services. Relying upon the educational qualification as the only test of efficiency, the Hindus insist that public offices should be filled on the basis of competetive examinations open to persons of all Castes and Creeds. They argue that such a system serves both purposes. It serves the purpose of efficiency. Secondly it docs not prohibit the entry of the Untouchables in the Public Services of the country.

The Hindus seek to give to their opposition to the demand of the Untouchable an appearance of fairness by relying upon efficiency and competitive examination. Here again the argument is quite beside the point. The question is not whether the competitive system of Examination is or is not the proper method of getting efficient persons in public services. The question is whether the competitive system simply because it is open to all castes and creeds will enable the Untouchables to get a footing in the Public Service. That depends upon the educational system of the State. Is it sufficiently democratic? Are the facilities for education sufficiently widespread and sufficiently used to permit persons from all classes to come forth to compete? Otherwise, even with the system of open competition large classes are sure to be left out in the cold. This basic condition is conspicuous by its absence in India. Higher education in India is the monopoly of Hindus and

particularly of high Caste Hindus. By reason of Untouchability the Untouchables are denied the opportunity for Education. By reason of their poverty higher education necessary for higher posts in the public service–and higher posts in the public service are the only things that matter becauese they have a strategic value–is not within their reach. The State will not take the financial responsibility of giving them higher education–they are demanding it by their resolution–and the Hindus will not extend the benefit of their charities to the Untouchables–Hindu Charity being shamefully communal–so that to ask the Untouchables to rely upon the results of competitive examination for entry into the public services is to practise a fraud upon them. The position taken up by the Untouchables is in no sense unreasonable. They admit the necessity for maintaining efficiency. That is why in their resolution they themselves say that their demand shall be subject to the rule of miniumum qualification. In other words what the Untouchables demand is that a minimum qualification should be prescribed for every post in the public service and if two persons apply for such a post and the Untouchables has the minimum qualification he should be preferred to a Hindu even though the Hindu may have a qualification higher than the minimum qualification. It, of course, does mean that the basis for appointment should be minimum qualification and not the highest qualification. This may sound queer to those who do not mind if their test of efficiency gives certain communities a monopoly of public service. But did not Campbell-Bannerman say that self-government was better than good government ? What else are the Untouchables demanding? They are prepared to recognize the need of having an efficient Government. That is why they are ready to accept the requirement of minimum qualifications for entry in the public services of the country. What the untouchables are not prepared to do is to forego self-government for good government. Good Government based on highest qualification will be a communal government, for the Hindus alone can claim qualifications higher than minimum qualifications. This is what they do not want. What they say is that minumum qualifications are enough for efficient government and since it makes self-government possible, minimum qualification should be the rule for entry in Public Service. It ensures self-government as well as efficient government.

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CHAPTER VIII

SEPARATE SETTLEMENTS

RESOLUTION NO. IV Referred to in the foregoing part of this paper is to my mind quite self-explanatory and not much detailed comment is necessary to explain its purport. Nor is it possible in the compass of this short paper to deal with it in more than general terms. The demand for separate settlements is the result of what might be called "The New Life Movement" among the Untouchables. The object of the movement is to free the Untouchables from the thraldom of the Hindus. So long as the present arrangement continues it is impossible for the Untouchables either to free themselves from the yoke of the Hindus or to get rid of their Untouchability. It is the close-knit association of the Untouchables with the Hindus living in the same villages which marks them out as Untouchables and which enables the Hindus to identify them as being Untouchables. India is admittedly a land of villages and so long as the village system provides an easy method of marking out and identifying the Untouchable, the Untouchable has no escape from Untouchability. It is the village system which perpetuates Untouchability and the Untouchables therefore demand that it should be broken and the Untouchables who are as a matter of fact socially separate should be made separate geographically and territorially also, and be grouped into separate villages exclusively of Untouchables in which the distinction of the high and the low and of Touchable and Untouchable will find no place.

The second reason for demanding separate settlements arises out of the economic position of the Untouchables in the village. That their condition is most pitiable no one will deny. They are a body of landless labourers who are entirely dependent upon such employment as the Hindus may choose to give them and on such wages as the Hindus may find it profitable to pay. In the villages in which they live they cannot engage in any trade or occupation, for owing to untouchability no Hindu will deal with them. It is